

01 November 2022

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Ōtaki to north of Levin Highway Project - Notice of Requirement for a Designation

Kia ora koutou

Please find enclosed notices of requirement for a designation made by Waka Kotahi NZ Transport Agency ("Waka Kotahi") to enable the construction, operation, maintenance and improvement of new state highway, shared use path and associated infrastructure, between Taylors Road (to the north of Ōtaki) and State Highway 1 north of Levin known as the Ōtaki to North of Levin Highway Project ("Ō2NL Project").

Details of the nature of the designations sought are provided in the Forms (Form 18 (and the associated Ō2NL Project resource consent Forms 9)) in 'Volume I: Notices of Requirement for Designation, Applications for Resource Consents and Request for Determination by the Environment Court', and as detailed in the supporting documentation.

The documentation provided in support of the NoRs is structured as follows:

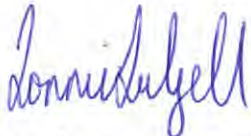
- Volume I: Notices of requirement for designation, applications for resource consents; and request for determination by the Environment Court
- Volume II: Supporting documentation and assessment of effects on the environment
- Volume III: Drawings and plans
- Volume IV: Technical assessments
- Volume V: Cultural impact assessments.

As set out in the attached Form 7A, Waka Kotahi requests (under section 87D of the Resource Management Act) that Kāpiti Coast District Council, together with Greater Wellington Regional Council, Horizons Regional Council and Horowhenua District Council, allows the NoRs and applications for resource consent to be determined by the Environment Court instead of by Kāpiti Coast District Council.

Waka Kotahi also requests that the applications be publicly notified. With regard to the deposit for lodgement, as agreed, please provide an invoice to apinvoices@nzta.govt.nz and refer to WBS 60060322.

If you have any queries regarding the NoRs and applications for resource consent, please contact Caitlin Kelly at Caitlin.Kelly@nzta.govt.nz in the first instance.

Ngā mihi nui


Lonnie Dalzell
Project Director - Ōtaki to North of Levin
Transport Services

Form 7A

Request for application relating to resource consent to be determined by Environment Court

Sections 87D, Resource Management Act 1991

To: Kāpiti Coast District Council (“KCDC”)

1. Waka Kotahi NZ Transport Agency (“Waka Kotahi”) requests that you allow the following applications for resource consent and notices of requirement lodged by Waka Kotahi to be determined by the Environment Court instead of by KCDC:
 - a. Notice of a requirement for a designation for a Project (public work) pursuant to section 168 of the Resource Management Act 1991 (RMA) which is to construct, operate, maintain, and improve a state highway, shared use path and associated infrastructure, located generally between the northern boundary of the Kāpiti Coast District immediately to the east of existing State Highway 1 (SH1) and the northern extent of the Peka Peka to Ōtaki Expressway (PP2Ō) near Taylors Road on SH1

For full details of consents sought please refer to Form 9 (in Volume I) and Part D of Volume II: Supporting Information and Assessment of Effects on the Environment.

2. Concurrent applications for resource consents and notices of requirement are lodged with Greater Wellington Regional Council, Manawatū-Whanganui Regional Council and Horowhenua District Council as detailed in Volume I of the accompanying documentation.
3. The applications relate to the construction, operation, maintenance and improvement of new state highway and shared use path and associated infrastructure, between Taylors Road (to the north of Ōtaki) and State Highway 1 north of Levin known as the Ōtaki to North of Levin Highway Project (“Ō2NL Project”). The Ō2NL Project is the northern most section of the Wellington Northern Corridor, connecting to the Peka Peka to Ōtaki expressway, which is due to be completed in late 2022. Once PP2Ō is complete, a minimum 4-lane expressway from central Wellington CBD to north of Ōtaki (Taylors Road) will be provided. The Ō2NL Project is described in further detail in Volume II, Part C of the accompanying documentation.
4. The reasons for the request are as follows:
 - The applications relate to the delivery of significant infrastructure (with an overall cost of approximately \$1.5b) with a wide range of public benefits. In particular, the Ō2NL Project enhances the safety of travel on the state highway network, improves the resilience of the state highway network, enables mode choice for travel between local communities and supports inter-regional and intra-regional growth and productivity through improved movement of people and freight on the state highway network.
 - A direct referral will reduce duplication and be more efficient in terms of time and costs for all parties. This is because:
 - as the Ō2NL Project has developed it has been the subject of comprehensive public engagement over many years, which has given key potential submitters and the community a sound understanding of the Project and the matters that are likely to be issues in respect of the applications; and
 - a decision made by GW would likely come to the Environment Court on appeal because there is significant local and regional interest in the Project and there are a number of potentially affected parties such that the likelihood of an appeal is high.
 - The Ō2NL Project is complex, because it includes substantial physical works over a 24km length; is located in four council jurisdictions; and includes two notices of requirement and applications for a numerous of resource consents. For this reason, it is expected that evidence would be provided by numerous expert witnesses and it is appropriate for the Environment Court to consider evidence on the Project given the Environment Court’s:
 - extensive experience with large complex infrastructure project that are technical in nature;

- ability to direct mediation and expert witness conferencing to narrow issues of contention (including access to commissioners with particular expertise in managing these processes); and
- ability to test evidence through cross-examination.
- The streamlined decision-making delivered by the application being determined directly by the Environment Court, and that decision being final subject to any appeals on points of law, better enables commencement by mid-2024 (should the Environment Court grant the consents and confirm the associated notices of requirement for a designation).
- The direct referral process enables effective participation by submitters and no parties will be unduly prejudiced by granting this request.

Waka Kotahi has also requested that Greater Wellington Regional Council, Manawatū-Whanganui Regional Council and Horowhenua District Council allow the applications for resource consent and notices of requirement lodged with those councils for the Project to be determined by the Environment Court instead the respective councils.



.....

Signature of person authorised to sign on behalf of the Waka Kotahi NZ Transport Agency

Date: 1 November 2022

Contact details: Waka Kotahi NZ Transport Agency (Ō2NL Project)

Electronic address for service: environmentalplanning@nzta.govt.nz

Postal address: PO Box 5084
Wellington 6140

Contact person: Caitlin Kelly

Telephone: +64 4 830 6844

Email: Caitlin.kelly@nzta.govt.nz

NOTICE OF REQUIREMENT FOR A DESIGNATION OF LAND

1 November 2022

Waka Kotahi NZ Transport Agency
Ōtaki to North of Levin Highway Project



Notice of Requirement for a Designation of Land Under Section 168 of the Resource Management Act 1991

Section 145, 168(1), (2), 168A, and 181, and clause 4 of Schedule 1, Resource Management Act 1991

To: Kāpiti Coast District Council
175 Rimu Road
Paraparaumu 5032

From: Waka Kotahi NZ Transport Agency
PO Box 5084
Wellington 6140

Pursuant to section 168 of the Resource Management Act 1991 (RMA) Waka Kotahi NZ Transport Agency (Waka Kotahi) gives notice of a requirement for a designation for a project or public work.

The purpose of the proposed designation is to construct, operate, maintain, and improve a state highway, shared use path and associated infrastructure.

Waka Kotahi is a network utility operator approved as a requiring authority under section 167 of the RMA. The relevant gazette notices are:

- Resource Management (Approval of Transit New Zealand as Requiring Authority) Order 1992 (NZ Gazette, Notice Number 1994-go1500) – and refer Schedule 2, Clause 29 of the Land Transport Management Act 2003 which confirms that the order applies to NZ Transport Agency for the construction and operation (including the maintenance, improvement, enhancement, expansion, realignment and alteration) of any State highway or motorway; and
- Resource Management (Approval of NZ Transport Agency as a Requiring Authority) Notice 2015 (NZ Gazette, Notice Number 2015-go6742) – which confirms the NZ Transport Agency as a requiring authority for the purpose of constructing or operating (or proposing to construct or operate) and maintaining cycleways and shared paths.

Waka Kotahi is the corporate name used throughout this notice of requirement. The legal name for Waka Kotahi as a requiring authority is the New Zealand Transport Agency. When the designation is confirmed, the requiring authority name recorded in the Kāpiti Coast District Plan should be the New Zealand Transport Agency.

The site to which the requirement applies is as follows:

The area of the proposed designation is shown on the plans included in **Volume III** of the documentation accompanying this notice of requirement.

The notice of requirement applies to an area of land within the Kāpiti Coast District of approximately 101.92 hectares located generally between the northern boundary of the Kāpiti Coast District immediately to the east of existing State Highway 1 (SH1) and the northern extent of the Peka Peka to Ōtaki Expressway (PP2Ō) near Taylors Road on SH1.

The land directly affected by the requirement is identified in the 'Land Requirement Schedule' in the plans included **Volume III** of the documentation accompanying this notice of requirement and detailed in the table below. The property Records of Title for each are included in Appendix 1.

| Land Parcel ID (as shown on the plans) | Legal Description | Record of Title | Required Area (ha)(approx.) |
|--|-------------------------------|-----------------|-----------------------------|
| 4 | Part Pukehou 5L7A Block | WN12C/1232 | 0.8572 |
| 6 | - | Road | 0.0784 |
| 8 | - | Road | 0.9475 |
| 11 | Lot 1 DP 59942 | WN30D/831 | 1.0328 |
| 13 | - | Road | 0.031 |
| 14 | Lot 1 DP 6025 | 288365 | 1.033 |
| 15 | Part Section 1 SO 17751 | WN454/48 | 0.541 |
| 16 | Part Lot 2 DP 59942 | WN33D/529 | 0.0692 |
| 17 | - | Road | 2.691 |
| 18 | Lot 2 DP 371211 | 288365 | 3.3348 |
| 19 | Lot 1 DP 371211 | 288364 | 3.5419 |
| 20 | Lot 1 DP 57801 | WN27C/643 | 0.1023 |
| 21 | Lot 1 DP 31303 | WN8A/96 | 5.3285 |
| 22 | Pukehou 5L1A1 Block SO 489585 | 921238 | 2.0305 |
| 24 | - | Road | 0.4862 |
| 25 | Lot 10 DP 87750 | WN55A/981 | 2.4454 |
| 27 | Lot 1 DP 6025 | 288365 | 4.0813 |
| 28 | Lot 1 DP 555911 | 969418 | 1.0434 |
| 29 | Lot 8 DP 87750 | WN55A/979 | 5.786 |
| 30 | Lot 9 DP 87750 | WN55A/980 | 2.3066 |
| 31 | Lot 7 DP 87750 | WN55A/978 | 9.66 |
| 32 | - | Road | 0.5456 |

| Land Parcel ID (as shown on the plans) | Legal Description | Record of Title | Required Area (ha)(approx.) |
|--|---------------------|-----------------|-----------------------------|
| 33 | Lot 6 DP 87749 | WN55A/977 | 9.12 |
| 35 | Lot 5 DP 87749 | WN55A/976 | 16.7928 |
| 36 | - | Road | 2.0143 |
| 38 | Lot 2 DP 320898 | 83010 | 8.4211 |
| 40 | Lot 1 DP 320898 | 83009 | 11.007 |
| 41 | Lot 11 DP 87746 | WN55A/972 | 1.461 |
| 42 | Lot 1 DP 87746 | WN55A/971 | 4.5722 |
| 658 | Section 1 SO 489585 | 921237 | 0.39 |
| 1035 | - | Road | 0.15 |
| 1038 | Section 1 SO 24047 | WN36A/477 | 0.019 |

The nature of the proposed work is:

The proposed project or public work is the construction, operation, maintenance and improvement of a state highway, shared use path and associated activities between the northern boundary of the Kāpiti Coast District immediately to the east of SH1 and the northern extent PP2Ō near Taylors Road (the Ō2NL Project or the Project).

The Project is described in detail in **Volume II, Part C** of the accompanying documentation.

In summary the Ō2NL Project within Kāpiti Coast District includes:

- a four lane (two lanes in each direction), median divided road;
- a shared use path for walking and cycling along the length of the new road;
- a half interchange with southbound ramps near Taylors Road, including road lighting;
- new local road and access tracks to properties
- utility relocations
- median and edge barriers;
- signs and gantries, as required;
- stormwater treatment wetlands, stormwater swales, drains and sediment traps;
- stream diversions and culverts to reconnect water bodies cross by the Ō2NL Project;
- material supply sites and
- sites for spoil disposal.

The Ō2NL Project is identified as key priority in the National Land Transport Programme 2018 - 2021, and as one of the 'Significant Inter-Regional Activities Between the Manawatū-Whanganui Region and Greater Wellington Region' in the Horizons Regional Land Transport Plan 2015 - 2025 (2018 review).

The nature of the proposed conditions that would apply are:

The proposed conditions that will apply to the works authorised by the proposed designation are set out in **Volume II, Appendix Five**.

The effects that the proposed work will have on the environment, and the ways in which any An assessment of effects of the Ō2NL Project on the environment and how they are proposed to be managed and mitigated is included in **Volume II, Part G and Part H** of the accompanying documentation. This assessment identifies the actual and potential adverse effects, and positive effects, of the construction and operation of the Ō2NL Project and sets out measures to avoid, remedy, mitigate, offset or compensate for adverse effects.

In summary, positive effects are the benefits realised as part of the Project to:

- the transport network from:
 - improved safety
 - improved resilience and reliability;
 - increased capacity within the wider network;
 - improved efficiency and connectivity;
- the existing transport network and adjacent landowners, due to reduced traffic on existing SH1;
- people and communities from high quality, well connected and integrated urban development; and
- local and regional economies, from the facilitation and support of growth.

Other actual and potential effects relate to:

- cultural values;
- ecology and indigenous biodiversity values;
- landscape and visual amenity values;
- noise effects;
- social impacts;
- economic impacts;
- impacts on productive land;
- property within the designation; and
- historic heritage and archaeology.

Alternative sites, routes, and methods have been considered to the following extent:

The area of the proposed designation was determined following an iterative and comprehensive option evaluation and refinement process. The detail of this process is set out in the assessment of alternative sites, routes and methods in **Volume II, Part E** of the accompanying documentation.

The proposed work and designation are reasonably necessary for achieving the objectives of the requiring authority because:

The objective of Waka Kotahi under Section 94 of the Land Transport Management Act 2003 (LTMA) is “to undertake its functions in a way that contributes to an effective, efficient, and safe land transport system in the public interest”.

The objectives of Waka Kotahi for the Ō2NL Project are to:

- enhance safety of travel on the state highway network.
- enhance the resilience of the state highway network.
- provide appropriate connections that integrate the state highway and local road network to serve urban areas.
- enable mode choice for journeys between local communities by providing a north-south cycling and walking facility.
- support inter-regional and intra-regional growth and productivity through improved movement of people and freight on the state highway network.

The Ō2NL Project works are reasonably necessary to achieve the objectives of Waka Kotahi because they will:

- enhance safety when compared to the existing state highway by diverting traffic onto a modern, fit-for-purpose and safe state highway;
- enhance the resilience of the state highway, including reducing road closures as a result of traffic accidents or natural hazard events when compared to the existing state highway;
- service current urban areas and support the development of future urban areas through connection onto, and across, the transport network;
- provide enhanced north-south walking and cycling facilities and connections through the delivery of the Shared Use Path; and
- enable more efficient and reliable inter-regional and intra-regional journeys.

The proposed designation is reasonably necessary as a planning tool as it identifies and protects land required for the Ō2NL Project and will enable Waka Kotahi to carry out the proposed work. The principal reasons for requiring a designation to facilitate the work to which the requirement relates are because it will:

- allow the land required to be identified in the Kapiti Coast District Plan, giving a clear indication of the intended use of the land;
- protect the proposed route from future development that would prevent or hinder the construction of the Project;
- provide certainty for landowners of the intended use of the land and the work to be undertaken in the future;
- enable the integrated development of the Ō2NL Project;
- provide consistency of management and planning for the state highway network which is designated; and
- allow Waka Kotahi, or its authorised agents, to undertake the works necessary for the Ō2NL Project within the area subject to the proposed designation.

In addition, the proposed designation is reasonably necessary to enable Waka Kotahi to achieve its principal objective under the LTMA.

The detailed reasons why the designation is reasonably necessary to meet the statutory and project objectives are set out in **Volume II, Part I** of the accompanying documentation.

The following resource consents are needed for the proposed activity and have - or have not - been applied for:

Resource consents for a number of activities as set out in Volume I and in Part D of Volume II: Supporting Information and Assessment of Effects on the Environment. These include land use consents, water permits and discharge permits) as required by Resource Management Act, National Environmental Standards for Freshwater and the relevant provisions of the Proposed Natural Resources Plan for the Wellington Region and the Horizons One Plan.

In addition, a designation in the Horowhenua District Plan is also required over the part of the Ō2NL Project within Horowhenua District.

Waka Kotahi does not seek that the requirement for an outline plan be waived, in terms of section 176A(2)(c) of the RMA, but do seek such a waiver for enabling works (as detailed in Part D of Volume II: Supporting Information and Assessment of Effects on the Environment).

Additional approvals for the Project may be required and will be obtained prior to construction. These approvals may include resource consents determined relevant at the time of construction, such as consents for soil disturbance under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.

The following consultation has been undertaken with parties that are likely to be affected:

Consultation has been undertaken with iwi, landowners, the community and key stakeholders including as part of the assessment of alternatives and corridor refinement. Consultation is on-going. Engagement has been achieved through a number of channels, including workshops, hui, one-on-one meeting, public open days, letters, newsletters and online information.

Details of this consultation are included in **Volume II, Part F** of the accompanying documentation.

Proposed Lapse Period:

Waka Kotahi seeks a lapse period of ten years from the date on which the designation is included in the Kāpiti Coast District Plan (section 175 and section 184(1) of the RMA).

Supporting Information:

Waka Kotahi NZ Transport Agency attaches the following information required to be included in this notice by the district plan, regional plan, or any regulations made under the RMA:

- Volume II: Supporting documentation and assessment of effects on the environment
 - Part A Introduction and background to the project
 - Part B Description of the environment
 - Part C Description of the project
 - Part D Statutory context
 - Part E Consideration of alternatives
 - Part F Consultation and engagement
 - Part G Assessment of effects on the environment
 - Part H Management of effects on the environment
 - Part I Statutory assessment
 - Appendices (Rule assessment, Relevant statutory/planning provisions, Cultural and Environmental Design Framework, Design and Construction Report, Proposed conditions)
- Volume III: Drawings and plans
- Volume IV: Technical assessments
 - A Transport
 - B Noise and vibration
 - C Air quality
 - D Landscape, visual and natural character
 - E Social impacts

- F Hydrology and flooding
- G Hydrogeology and groundwater
- H Surface water quality
- I Contaminated land
- J Terrestrial ecology
- K Freshwater ecology
- L Archaeology
- M Built heritage
- N Productive land
- O Economics and town centre impacts
- Volume V: Cultural impact assessments

Signed by:



Jenni Fitzgerald
National Planning Manager

pursuant to authority delegated by Waka Kotahi NZ Transport Agency

1 November 2022

Address for Service:

Waka Kotahi NZ Transport Agency
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Wellington 6140

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