

Notice of Requirement (Designation) Form

Form 18, Resource Management (Forms, Fees, and Procedure) Regulations 2003

Notice of requirement by the NZ Transport Agency for a designation under sections 145 and 168 and clause 4 of Schedule 1, Resource Management Act 1991, and for a request for an outline plan waiver under section 176A of the Resource Management Act 1991

To: Environmental Protection Authority
PO Box 131
WELLINGTON 6140

From: NZ Transport Agency
PO Box 5084
WELLINGTON 6145

The NZ Transport Agency (NZTA) gives notice of a requirement for a designation for a public work (or for a project or work or in respect of any land, water, subsoil, or airspace where a restriction is necessary for the safe or efficient functioning or operation of a public work or a project or work), being the construction, operation and maintenance of the MacKays to Peka Peka Expressway Project (the Project) in the Kāpiti Coast District Plan.

This application for the notice of requirement and accompanying information provides significant details of the work for incorporation into the designation. Accordingly, an outline plan waiver in accordance with section 176A(2)(c) of the Resource Management Act 1991 is being sought concurrently for the Project, with the exception of the details of the two proposed cycleway/walkway bridges over the proposed Expressway (one in the Poplar Avenue to Raumati Road section and another in the Kāpiti Road to Mazengarb Road section), where the details of the work have not yet been determined.

The site to which the requirement applies

The site to which this requirement relates is described in Part C Chapter 6 'Description of the Environment' in Volume 2 of the AEE, and identified on the Land Requirement Plans contained in the Volume 5 'Plan Set'.

The nature of the proposed work

The construction, operation and maintenance of the MacKays to Peka Peka Expressway: refer to Part D, Chapter 7 'Operation of the Project' and Chapter 8 'Construction of the Project' in Volume 2 of the AEE.

The Project is a key component of the Wellington Roads of National Significance (RoNS),

which will create a high quality State highway connection from north of Levin to the Wellington Airport. The total length of the Wellington RoNS is approximately 110km.

The designation is required for the construction, operation and maintenance of a new section of State Highway 1 from 2km north of MacKays Crossing to Te Kowhai Road, Peka Peka in the Kāpiti Coast District.

The nature of the works includes the construction, operation and maintenance of the State highway and ancillary works including a separate shared walkway/cycleway, safety and operational services (including communications), vegetation removal, stormwater treatment, temporary construction works including storage areas and office facilities, maintenance and access areas, mitigation and restoration works, for other ancillary structures and activities associated with these works.

The resource consents and other statutory authorisations required for the works are described below and/or detailed in Part B, Chapter 3 'Authorities sought under the Resource Management Act 1991' of the AEE Report, Volume 2.

The nature of the proposed conditions that would apply

It is proposed that the Project designation will be subject to the conditions contained in Part H, Chapter 32 'Designation Conditions' of the AEE Report, Volume 2 (as may be confirmed or modified in the determination of this requirement).

The effects that the public work (or project or work) will have on the environment, and the ways in which any adverse effects will be mitigated

The AEE Report, Volume 2, contains a description of the existing environment, an assessment of the environmental effects of the Project and an outline of appropriate methods to avoid, remedy or mitigate any adverse effects of the works associated with the Project. Part C of the AEE Report, Volume 2, provides a description of the existing environment. Part G of the AEE Report, Volume 2, provides an assessment of the actual and potential effects of the Project on the environment during its construction and operation. Actual and potential effects on the environment include (discussed further in the identified AEE Report Chapters, Volume 2):

- *Traffic and transport effects* – Impacts on the transportation network during construction and effects on operation as a result of the Project (Chapter 12).
- *Archaeology and Built Heritage* – Effects on actual and potential archaeological sites and built heritage (Chapter 13).
- *Effects on tangata whenua and cultural heritage* – Effects of the Project during construction and operation on tangata whenua and cultural heritage values (Chapter 14)
- *Effects on network utilities* – Various network utilities are affected by the Project and require protection and/or relocation, and include: electricity

distribution, gas transmission and distribution, water supply, stormwater and wastewater, telecommunications (Chapter 15).

- *Effects on urban form and function* – Effects on the form and functioning of the Kāpiti urban area, including the urban growth strategy and the management of urban growth (Chapter 16).
- *Landscape and visual effects* – Visual and landscape effects, including amenity impacts during construction and operation (Chapter 17).
- *Effects of lighting* – Effects of lighting used in the construction and operation of the Project (Chapter 18).
- *Noise and vibration effects* – Impacts from noise and vibration emitted from the Project during its construction and operation (Chapter 19).
- *Effects on air quality* – Effects associated with emissions, including impacts from construction emissions (particularly dust) and vehicle emissions to air during operation (Chapter 20).
- *Effects on ecology* – Effects of the project on terrestrial, freshwater and marine ecology, including streams and wetlands, indigenous vegetation, herpetology, and avifauna during the construction and operation of the Project (Chapters 21, 22 and 23).
- *Hydrology and stormwater effects* – Management of stormwater runoff from site works during construction (including erosion and sediment control), the ongoing discharge of contaminants in stormwater during the operation of the State highway, and flooding effects created as a result of the Project's construction (Chapters 24).
- *Effects on groundwater* – Effects on groundwater during the construction and operation of the project (Chapter 25).
- *Effects on ground settlement* – Ground settlement effects from the construction and operation of the Project (Chapter 26).
- *Effects associated with disturbance of contaminated land* – Effects of disturbance of actual or potential contaminated soil on sites with known historical contamination (Chapter 27).
- *Effects on water quality* – Effects from the construction and operation of the Project on the quality of groundwater and water bodies (Chapter 28).
- *Economic Effects* – Impacts of the construction and operation of the Project on economic activity locally, regionally and nationally (Chapter 29).
- *Social effects* – Impacts of the construction and operation of the Project on communities, neighbourhoods and specific local facilities such as schools, churches and community centres (Chapter 30).

The AEE Report, Volume 2, draws on information provided in the technical assessments (contained in Volumes 3 and 4).

Part H of the AEE Report, Volume 2, outlines proposed mitigation measures and proposed designation conditions.

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

Part E of the AEE Report, Volume 2, contains an assessment of alternatives sites, routes and methods considered for the Project.

The public work (or project or work) and designation (or alteration) are reasonably necessary for achieving the objectives of the requiring authority because

The Works

The NZTA's objective under section 94 of the Land Transport Management Act 2003 (LTMA) is *"to undertake its functions in a way that contributes to an affordable, integrated, safe, responsive, and sustainable land transport system"*. The works, as part of the Project, will assist the NZTA in meeting this objective.

The NZTA's objectives for the works, as part of the Project, are:

- to provide an alternative strategic link for Wellington that improves regional network security;
- to assist in remedying the safety concerns of, and projected capacity problems on, the existing State Highway 1 by providing a safe and reliable route between MacKays Crossing and Peka Peka in an environmentally sustainable manner;
- to assist in enabling wider national economic development by providing a cost-optimised route that better provides for the through movement of freight and people; and
- to assist integration of the land transport system by enabling the existing State Highway 1 to be developed into a safe multi-functional district arterial road, that would provide an alternative route to the proposed strategic link.

The works, as part of the Project will contribute to those objectives by providing:

- improved route security and resilience of the Wellington region's State highway network;
- improved safety performance as compared to the existing State Highway 1 between MacKays Crossing and Peka Peka;
- reduced travel times along many key routes and increased accessibility across many parts of the Region's road network; and
- economic development as a result of travel time savings and increased accessibility.

The Designation

The NZTA was approved under section 167 of the RMA as a requiring authority by the Resource Management (Approval of Transit New Zealand as Requiring Authority) Notice 1994, notified in the Gazette on 3 March 1994 (a copy of this Notice is contained in Appendix B of the AEE Report, Volume 2). As a network utility operator and a requiring authority under section 167 of the RMA, the NZTA may designate land, water, subsoil or airspace for the *“construction and operation (including the maintenance, improvement, enhancement, expansion, realignment and alteration) of any State highway or motorway pursuant to the [Government Roding Powers] Act 1989”*.

This designation is necessary as it will secure land required for the Project and will enable the NZTA to carry out the works necessary for this part of the Project. The principal reasons for requiring a designation to facilitate the works this requirement relates to are:

- It will enable the NZTA to achieve its principal objective under the LTMA;
- It is necessary for the NZTA to achieve the specific Project objectives and to facilitate the benefits of other projects within the Wellington RoNS programme;
- It will allow the NZTA and/or its authorised agents to undertake the works in accordance with the designation, notwithstanding anything contrary in the Kapiti Coast District Plan (KCDP);
- It will allow the land required to be identified in the KCDP, giving a clear indication of the intended use of the land;
- It will enable the Project to be undertaken in a comprehensive and integrated manner; and
- It will protect the proposed route from future development which may otherwise preclude the construction of the Project.

The following resource consents are needed for the proposed activity and have been applied for:

Regional land use consents, for:

- Soil disturbance and vegetation clearance for roading and tracking;
- the use, erection and placement of new structures (culverts, bridge support structures, erosion protection structures, stormwater pipes and outfall structures) in the beds of watercourses;
- the partial reclamation of wetlands;
- the construction of bore holes for groundwater extraction;
- the removal of existing structures (culverts) from the beds of watercourses;
- the disturbance of river beds; and
- the reclamation of river beds.

Water permits, for:

- the temporary and permanent diversion of water; and
- to take groundwater for construction activities.

Discharge permits, for:

- the discharge of chemically treated sediment laden water (from construction) to land;
- the discharge of chemically treated sediment laden water (from construction) to water; and
- the discharge of contaminants (from cement) to land.
- the discharge of contaminants

District land use consents, for:

- Disturbing soil contaminants which there is a potential risk to human health (pursuant to Regulation 10 of 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

Extensive consultation has been undertaken with the community and key stakeholders, including directly affected landowners.

Part F of the AEE Report, Volume 2, provides a record of the consultation process undertaken, feedback received and how this was considered in the development of the Project.

The key aspects of the consultation undertaken are:

- It has kept stakeholders and the community informed of the Project as it has developed to provide a relatively high degree of familiarity among key

stakeholders and the general public about the general concept of the Project;

- The majority of key stakeholders support the Project and there is good support for the Project from the general public, although opposition from some groups and individuals is acknowledged;
- Stakeholders and the community have had an opportunity to provide feedback on the Project's form and mitigation measures and the NZTA has considered and responded to issues and concerns that have been identified through this engagement;
- Consultation has recognised and utilised community knowledge and resources in the identification of environmental effects to consider;
- Consultation feedback has been taken into account in decision-making throughout the process; and
- The NZTA has considered and responded to issues and concerns raised during the consultation process.

Ongoing consultation is proposed during the construction period and provision is made for this in the proposed mitigation and monitoring contained in Part H of the AEE Report, Volume 2.

Lapse period for the designation

The NZTA seeks a lapse period of 15 years for the designation, pursuant to section 184(1)(c) of RMA. This period has been set having regard to the time anticipated to be required for the NZTA to give effect to the works, including the completion of land purchase negotiations, detailed design and construction of the proposed Project. It also allows for an appropriate margin to address possible consenting, tendering, funding and construction processes.

The NZTA attaches the following information required to be included in this notice by the district plan, regional plan, or any regulations made under the Resource Management Act 1991

Volume 1: Forms:

- Lodgement of matter with the EPA
- Notice of Requirement by the NZTA
- Application for district resource consent by the NZTA
- Applications for regional resource consent by the NZTA

Volume 2: Assessment of Environmental Effects Report, including:

- Part A: Introduction and background to the Project
- Part B: Statutory context
- Part C: Description of the environment

- Part D: Description of the Project
- Part E: Consideration of alternatives
- Part F: Consultation and engagement
- Part G: Assessment of effects on the environment
- Part H: Management of environmental effects
- Part I: Statutory assessment
- Part J: Appendices

Volume 3: Technical reports and supporting documents

Volume 4: Management Plans

Volume 5: Plan Set

[Note – Plans identifying the land subject to this notice of requirement are contained in the ‘Plan Set’ (Volume 5)]

Signature of person authorised to sign on behalf of person giving notice)



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Rod James

State Highway Manager – Wellington, New Zealand Transport Agency

Signed for and on behalf of the New Zealand Transport Agency

3 April 2012
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Date

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