

Submission of the Kāpiti Coast District Council on the Transmission Gully Proposal – 29th October 2011

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The **Kāpiti Coast District Council** (the Council) makes this submission on the applications for Notices of Requirement (NoR) and Resource Consents lodged with the Environmental Protection Authority (EPA) by the New Zealand Transport Authority (NZTA), and Transpower New Zealand Limited (Transpower) for the Transmission Gully Proposal (the Proposal).

The Council wishes to appear at the forthcoming hearing in support of this submission.

INTRODUCTION

1. The specific parts of the NoR to which the Council's submission relates

This submission relates to all parts of the NoR that fall within (or have effects on) the Kāpiti Coast District.

2. Lack of Council involvement in preparation of the proposal

The Council notes that there has been minimal consultation with the Council on the development of the Transmission Gully proposal, particularly in contrast to other Roads of National Significance (RoNS) projects where there has been a high level of discussion between NZTA, designers and the Council (e.g. on the Mackay's to Peka Peka, Peka Peka to Otaki and Otaki to Levin projects).

To date Council's recent involvement in this proposal has been limited to completing (as a relevant local authority) the statutory 'fit for purpose' check against its District Plan requirements; and, to prepare a key issues report in accordance with the requirements of section 149G(3) of the Resource Management Act 1991 (RMA). Council staff did attend various meetings at the early stages of the project (i.e. up until mid 2009). However, these discussions were at a relatively high level and did not cover the detailed plans or effects of the proposed design. Since that time, Council has attended only occasional technical meetings.

As a result Council has had little opportunity to participate in the development of what is perhaps one of the most significant projects for our District and has had to review an overwhelming amount of documentation in an extraordinarily tight timeframe.

Council also notes that there appears to be no new funding for RoNS projects, which means that they will be funded out of existing baselines. Council would be very concerned if this placed any constraints on the level and nature of mitigation needed to address adverse effects of the Transmission Gully project.

4. The Council's submission and the decision sought

The Council supports in part the NoR. This support is conditional on the NoR being approved with conditions that deal with the issues discussed in this submission.

This submission relates to the section of the proposed Transmission Gully expressway that runs through the Kapiti Coast District i.e. from the Wainui Saddle to MacKays Crossing.

The Council supports the Transmission Gully concept but has concerns about specific aspects of the proposal. These relate to the following:

- Ecological effects;
- Stormwater and runoff;
- Road design and local resilience;
- Landscape and visual effects;
- Effects on Council's water supply for Paekākāriki; and,
- Historic heritage.

The Council reserves the right to respond to any further matters arising from a review of the Requiring Authority's evidence and any further documents lodged by the Requiring Authority prior to or during the Inquiry.

5. ECOLOGICAL EFFECTS

The project has a very high impact on the Te Puka Stream resulting from a 1.2km diversion, extensive culverting and the potential for sediment discharge during construction. Affected sections of Te Puka stream have high and moderate ecological values. Significant adverse effects are unavoidable and require mitigation.

The project will also have impacts on two high value ecological sites (K106 and K139), on eight proposed ecological sites (K223-230), and on areas of unprotected native forest and scrub. Loss of varying amounts of native vegetation is expected for which mitigation is proposed.

Insufficient mitigation of adverse effects on the Te Puka Stream and other ecological values

In terms of ecological values the Te Puka Stream is the freshwater equivalent of mature native bush supporting a diverse range of native bird species. Whether it is possible to destroy such values and successfully re-create them is doubtful. This is acknowledged in the proposed Ecological Management Plan, which refers to "new science" being needed to restore ecological values to the new stream channel and in the recommendations for mitigation, which are effectively an offset for unavoidable long-term adverse effects. If there is to be a new science then assurance is needed on how the proposed mitigation will be monitored, as well as the process for updating Council and the community as that science develops.

Council is also concerned that while the effects on the Te Puka Stream are predominately within the Kapiti District some of the proposed offsetting is located near the Horokiwi end of the route far beyond the district boundary. Council requires evidence to demonstrate that such an approach will achieve the best ecological outcomes for the catchment affected by the works.

In the absence of adequate mitigation the Council considers that the impacts on the Te Puka Stream are so high as to provide strong justification for declining consent.

Council also notes the following specific concerns:

- a. The impact on the high value K106 wetland at Mackays Crossing is assessed as 'moderate' but there is no mention of mitigation for adverse effects;
- b. There is no plan to control pest animals, an essential part of any attempt to protect, restore or create areas of ecological value;
- c. Success of the proposed mitigation depends on high levels of commitment, expertise and performance by the consent holder and contractors and rigorous monitoring and reporting, sustained over many years; and,
- d. The Ecological Management and Monitoring Plan (EMMP) does not refer to territorial local authorities in regard to monitoring, reporting, compliance or consultation, though they have statutory responsibilities and a vital interest in the environmental outcomes of the project.

Required response

Council requires as a condition of consent an on-going independent peer review by a freshwater ecologist of the proposed mitigation of adverse effects on the Te Puka Stream to assess the adequacy of the proposed mitigation. This review should also examine the extent to which the proposed offsetting for damage to the stream will achieve the best ecological outcomes, particularly in respect of the offsetting that is located beyond the district boundary.

Council also requires that the Kāpiti Coast District Council and Greater Wellington are party to the outcomes of this review and that a joint monitoring committee is established to oversee this work. There also needs to be formal reporting to the community of the outcomes of the monitoring work on a biennial basis.

In addition Council seeks the following mitigation of ecological impacts:

- a. Information is needed on the nature of the effects on the K106 wetland at Mackay's Crossing and assurance provided that these effects will be adequately mitigated;
- b. The EMMP needs to include a long-term plan to control possums, rats, mustelids, deer and goats to low levels and maintain those levels permanently;
- c. Performance criteria, including long-term monitoring and reporting requirements should be specified for consent holders and contractors responsible implementing mitigation and management measures to address adverse ecological effects; and,
- d. The EMMP should specify the consent holder's responsibilities toward Kāpiti Coast District Council and the other affected TLA's. These should include reporting and consultation requirements. (Note that the consent holder is required by the EMMP to provide monthly compliance reports to Greater Wellington Regional Council, which must also be consulted on changes to the EMMP resulting from annual reviews, and on changes to on-site practices. DoC is given a formal consultative role in the proposed designation conditions; however, there is no reference to territorial local authorities in regard to monitoring.)

It is important that long-term monitoring of ecological effects is undertaken by an independent party. As with the Te Puka Stream there should be independent review of the effectiveness of all mitigation of ecological effects. The Council wishes to have a role in selecting an appropriate independent provider and making sure that the monitoring is carried out appropriately. It does not expect that this would be second hand through Greater Wellington

6. STORMWATER AND RUNOFF

Run off in the Te Puka / Wainui and Whareroa Catchments

No attenuation of the run off in the Te Puka / Wainui and Whareroa Catchments is provided in the NoR. Provision of stormwater attenuation is a very significant issue for the Council. The concept of attenuation of any increased runoff as a result of development is the cornerstone principle in the Council's policy on hydraulic neutrality. In this instance the impact of the change of land use is lessened due to the steepness of the catchment but nevertheless there will be an increase in peak flow. NZTA should comply with the Council policy of hydraulic neutrality.

Required response

Normal mitigation would be to store part of the stormwater runoff so that that peak flow leaving the proposed designation is not increased. Council requires such mitigation for those parts of the Transmission Gully route that passes through our district, as it does for other projects in the Kapiti District.

Conditions inappropriately qualified

Many of the proposed conditions in the NoR are qualified by statements such as “as far as reasonably practicable” and “as far as practicable”. For example, “as far as practicable, measures shall be employed to minimise adverse effects on fish during construction...”; the consent holder shall develop the detailed design to avoid valued Natural Areas as specified in policies or plans “as far as practicable”; and, “the consent holder shall as far as practicable design all diversions in a manner that seeks to maintain stream flows”, etc.

Council considers that the use of this vague, generalised terminology completely waters down the intent of any conditions.

Required response

Qualifiers such as those noted above need to be removed from the proposed consent conditions, which need to be much more clearly worded with specific performance measures.

Lack of clarity around which standards are being used

The standards being applied for Stormwater Treatment and Erosion and Sediment Control are not clear. Both the NZTA Treatment and Draft Erosion Control standards are mentioned as well as the relevant Greater Wellington documents and standards. Council notes that Greater Wellington will be the lead agency for Erosion and Sediment Control but is unclear what standards will be applied in this area.

It is very important that the design and construction is done to the appropriate standard so that contractors and consultants are clear what standard they should be working to achieve.

Required response

Management plans must state clearly the standards and processes that are being used for stormwater, erosion and sediment control.

7. ROAD DESIGN

Local route from SH1 at Paekākāriki to MacKay’s Crossing

Once the Transmission Gully route is built there will be no local alternative route (i.e. off expressway) between Paekākāriki and Mackay’s Crossing for:

1. vehicles diverted from the Transmission Gully route (e.g. in event of an accident, flood, earthquake, etc);
2. pedestrians;
3. cyclists; and,
4. non-“motorway” users.

When the Transmission Gully route is open, road users will be able to travel on a local road from Porirua to the Sang Sue corner on State Highway 1 at Paekākāriki.

At that point they will need to travel on the new expressway for two kilometres before being able to connect again to the local road network from MacKay's Crossing. This is unacceptable and must be resolved during the Board of Inquiry process.

The proposed Transmission Gully route forms part of a significant RoNS network through the Kapiti district. A major rationale for the RoNS network is the provision of an alternative route if there is a significant event on the State Highway (e.g. earthquake, flooding, accident, etc).

The absence of a two kilometre section of the local road network from Sang Sue corner to MacKay's Crossing interrupts the alternative route along the local road network that (when all the RONS projects in the area are complete) could one day stretch from Porirua to Levin.

The lack of a local alternative route through this section also seriously undermines the resilience of the proposed Transmission Gully route in the event of a significant event. A local alternative between the existing SH1 at Paekākāriki and MacKay's Crossing is essential to provide an alternative route in the event of a significant event on SH1.

It will also be necessary to provide an alternative local route if the Transmission Gully route is tolled.

Required solution

There are two possibilities for providing a local road network between Sang Sue corner and MacKay's Crossing. These are:

1. Almost a kilometre of the old two lane carriage SH1 still exists running parallel to the existing dual carriageway from MacKay's Crossing, which could be extended to form a local route to Mackay's Crossing, providing connectivity from Paekākāriki to Paraparaumu via the new Emerald Glen Extension; or,
2. Access could be formed using the track running along the NIMT rail corridor, which would involve a new bridge at the SH1 end.

In both of the above, it is essential that a single carriageway local road to be constructed that allows for the safe passage of pedestrians, cyclist and drivers not wishing to use the motorway.

Treatment of bypassed sections of SH1

It is not clear whether the effects of the proposal on the old SH1 are treated as part of the Transmission Gully project. The Council also notes that, to date there has been no process to discuss this with NZTA, which contrasts sharply with the MacKay's to Peka Peka and Peka Peka to Otaki RoNS projects where there has been a process to discuss effects on the old SH1.

When SH1 reverts to local road some treatments will be required. Sensitivity testing of SH1 with no treatment has been included in the assessment. However, the detail of the nature of the treatment is not provided. No analysis is provided on the impact on safety if SH1 is left untreated.

It can be expected that, as volumes fall, speeds will rise and untreated intersections and stretches of the old SH1 road may experience higher crash severity as a result. This is an effect that deserves particular attention.

Required response

The Council seeks evidence that the treatment of the bypassed sections of SH1 has been properly investigated and asks that the results be provided to Council for scrutiny. The Council requires confirmation that the modelled impacts of the downgrading of the SH1 to local road is provided for (funded) as part of the TG project. The Council also requires an undertaking that appropriate safety measures on the old SH1, including at the Paekākāriki intersection, will be funded as part of the project.

Proposed tolling of Transmission Gully route

No analysis of the effect of tolling the Transmission Gully route is included in the NoR despite the Minister stating that "... a toll to contribute to the cost was still likely" (refer <http://www.stuff.co.nz/national/politics/5640303/Tolls-likely-for-Gully-highway>).

Tolling the Transmission Gully route could have very significant impact on the local road network/SH1. For example, if a toll resulted in a 30% diversion rate then traffic flows through Paekākāriki would be three times those forecast in the AEE.

Required response

The Council requires that testing of different tolling regimes on TG be undertaken and the results be provided to Council for review and feedback into any further tests on the road network, including impacts on other areas of assessment that use traffic figures to assess impacts.

Daily traffic growth on SH1 through Paekākāriki

The NoR states that, over the 20 year period 2006 to 2026, daily traffic growth on the existing SH1 route through Paekākāriki is expected to increase by 2.7% (Figs 4.5 and 4.6 of the Assessment of Traffic and Transportation Effect Technical Report 4). The NZTA Wellington Region figures for future growth prediction are 2% (Economic Evaluation Manual Volume 1). The reason for this difference is not explained.

The stated 86% reduction in daily traffic appears to be very high.

If the traffic figures are incorrect, the resultant mitigation based on these figures may be inappropriate.

Required response

NZTA should supply the TGM SATURN model to the Council for scrutiny, as it covers sections of KCDC network that are not covered in the existing KCDC model for Paraparaumu, Waikanae and Otaki.

Council also seeks an independent review of the assessment of expected daily traffic growth on SH1 through Paekākāriki. Subject to the review findings, further testing of the assumptions may be required, together with further testing of the underlying analysis.

Fuel cost increases

The sensitivity testing of fuel prices in the NoR assumes an additional 0.2% increase in vehicle operating costs to 2026 (a total of 5% more than the base case vehicle operating costs (VOC)). This does not adequately simulate the potential effects of very major and sudden fuel cost increases.

Required response

The Council seeks evidence that the above has been properly investigated and asks that the results of any analysis be provided for scrutiny.

8. LANDSCAPE AND VISUAL EFFECTS

The proposal impacts on Landscape Character Areas 01 and 02 in the Kāpiti District. Area 01 covers the area north from the brick fuel tank and area 02 north to the Kapiti Coast District Boundary or Wainui Saddle. Impacts on Area 02 are significant and include permanent effects on landform, landscape character and biophysical impacts with the realignment of the Te Puka Stream.

Limited certainty that adverse effects will be mitigated adequately

Poorly specified (or missing) performance criteria, management plans and long-term maintenance measures mean that there is very limited certainty around both the process and outcomes of mitigation. The Council is particularly concerned that the NoR states that detailed site environmental management plans will be determined during the construction phase. For example, in some areas proposed mitigation will involve trials to determine what procedure can be used to establish vegetation.

This is unacceptable to Council. Detail needs to be developed in the management plans and signed off as part of the Board of Inquiry process.

Limited supporting visual evidence is provided in the report to validate the conclusions about landscaping. There are no visuals provided from within 1km showing the terraced batters of either the south or north side of the Wainui saddle gully area at around 2000 and 6000 chainage, the road works or the realigned transmission lines.

No reference is made to potential recreation users; e.g. recreational use of the track alongside Te Puka Stream and access under the new bridge. Nor is there any reference to providing a lookout point at a suitable high point on the western ridge.

Required response

Council seeks clearly specified performance measures to mitigate the acknowledged landscape and visual effects of the proposal. For example, performance based criteria must be provided for re-vegetation (e.g. percent coverage within timeframe including re-vegetation of terraced batters).

In addition:

- Final earthworks should have a naturalised look, particularly the realignment of Te Puka stream, shaping of riparian batter, etc.; i.e. there should be no area of uniform slope over 20m in length;
- The extent of terraced batters should be minimised and, where possible cut laid back without terracing whilst maintaining roughened surface for providing habitat for pockets of revegetation;
- In character area 1 ensure batters should be shaped to blend well with existing slopes;

- Structures in the landscape should be minimised, particularly in the areas of high natural landscape, including lighting, signage, barriers, fencing except where they are necessary to maintain natural habitats and populations.
- Low visual impact materials and colours should be used.
- On-going monitoring and management of re-vegetation beyond the 3 years of the project construction is needed to ensure that performance criteria are achieved, including monitoring of weed and pest control;
- Walking, cycling and off road access to public open space needs to be maintained, or where possible, improved; and,
- Provision should be made for a lookout point at the highest suitable point of the western ridge.

Visual effects of realignment of existing essential transmission lines and towers

The construction of the expressway in the proposed location requires partial realignment of an existing essential transmission line and some tower replacement with stronger taller lattice tower structures. This necessitates at least temporary relocation of the line up on the side of the gully prior to the construction of the road to ensure continuity of supply. However, due to the amount of time and expense for temporary location it is proposed to permanently relocate the transmission line.

The most significant realignment of the transmission line is through the Wainui saddle and the NoR shows the transmission line crossing the proposed road in four locations including crossing points at either side of the Wainui saddle gully.

A generally straight line transmission line is changed over three towers. This results in two crossing points of the road within one kilometre. The height of the towers will increase by one third. Some towers will be located on visually prominent spurs with lines crossing tributary gullies of the Te Puka stream as well as causing a break in the skyline from some viewpoints. This is not good practice because it contravenes many of the guiding principles for locating transmission lines in a landscape. It also results in negative visual impacts.

The NoR acknowledges that these impact are significant but argues that the main viewers will be the motorists using the proposed expressway. However, it also acknowledges that this section of the route is a memorable landscape forming a gateway to the Kapiti Coast District.

Required response

Landscape and visual impacts from the proposed expressway development and associated realignment of the transmission lines are significant. These effects are likely to be mid-long term and permanent. Mitigation is unlikely to make good or hide all of the negative impacts.

The NOR does not provide sufficient clarity or certainty around the methods of proposed mitigation or enough information on performance measures. This is unacceptable as without this there is a high risk of failure of process or achievement of adequate mitigation outcomes. Council therefore requires that sufficient detail be developed and signed off as part of the Board of Inquiry process. This is necessary

to reduce risks of short comings in the outcome in an area where existing natural values are high and impacts on these by the proposed development are significant. Provision should also be made for further corrective work where an operation event causes damage once the route is operational (e.g. through a risk management plan).

In addition:

- Information on access roads should be included as part of Outline Plan or during the consent phase for approval during the Board of Inquiry phase;
- Given that the proposed relocation of the transmission line is less than best practice consideration needs to be given to relocation of towers 9A, 10A and 11A post construction of the road; and,
- Consideration should be given to relocating Tower 2A to the eastern site of the proposed road (possibly to the site of the shed to be removed from that area) given that it sits at the entrance to the district and the current site will be prominent focal point for those travelling on the route as they enter the district.

9. EFFECTS ON COUNCIL'S WATER SUPPLY TO PAEKĀKĀRIKI

The Council plans to procure a new Paekākāriki Water Supply Bore upstream of NZTA proposed Wainui Stream Culvert. The test site was agreed with NZTA and then tested successfully in 2011. NZTA funded the bore testing work. The new test bore will replace a previous Council test bore. An existing production bore nearer the Treatment Plant site will remain as a raw water source. The new test bore will be upgraded to a production bore during Councils 2012/13 financial year.

Flooding risk to Council's new water supply bore

It is likely that the proposed new culverts for the Wainui Stream will cause additional flooding upstream. This presents risks to Council's above ground water supply infrastructure; for example, electrical cabinets at the proposed new groundwater bore pump site.

Council considers that the risk of flooding presents a significant risk to its local water supply system, particularly its proposed new water supply bore for Paekākāriki.

Required response

The new production bore will need to be designed to mitigate flooding risks. It can be designed with all critical controls above flood water level. However, meeting this additional cost needs to be part of the conditions of the proposed project.

Council access to land on which its water supply is located

NZTA will need to vest an agreed portion of land to the Council to site the new production bore and provide access to new and existing water infrastructure. Council needs to have secure access to this land to protect Council water supply assets and to provide future access to existing and new water infrastructure.

Required response

The proposed NZTA designation should be adjusted to exclude land to be vested to the Council for the proposed production bore and sand filter sites. The designation should also exclude an easement as appropriate to be vested to the Council for

protection of buried pipe assets and to allow future maintenance access. (Note that Council's buried pipe assets would include pipes from the new production bore and the existing surface water intake (further up the Wainui Stream) down to Council's existing water treatment plant site.)

10. HISTORIC HERITAGE

The brick fuel tank listed in the heritage register will be affected by the adjacent construction. Condition 9 says that a management plan will be developed. However, this is too vague and specific details about how these impacts will be mitigated are needed.

The Council supports making the tank accessible, but wishes to see this included explicitly in the conditions. It is also likely that some restoration works will need to be undertaken prior to construction to ensure that the structure is not affected by vibration.

The brick fuel tank is also part of a whole precinct of military history around Paekākāriki, the continuity of which will change as a result of the proposed route.

Required response

Condition 9 needs to provide specific detail on how effects will be mitigated. Council also suggests that the recommendations of the heritage architect are listed in the condition.

Potential mitigation could also include interpretive signage at the tank or other places where visitors can experience the site as a whole. Council has worked closely with the Kapiti US Marines Trust to document the history and publicly display it in the Paekākāriki Museum. This information could form part of the interpretive material.