

Chairperson and Committee Members
REGULATORY MANAGEMENT COMMITTEE

13 JUNE 2013

Meeting Status: **Public**

Purpose of Report: For Decision

**CONSIDERATION OF KAPITI COAST DISTRICT COUNCIL'S
SUBMISSION ON PEKA PEKA TO ŌTAKI EXPRESSWAY**

PURPOSE OF REPORT

- 1 This report recommends the Council's adoption of a submission on the New Zealand Transport Agency's (NZTA) application to the Environmental Protection Agency (EPA) and the NZTA for the proposed Peka Peka to Ōtaki Expressway and the associated application lodged by KiwiRail.

SIGNIFICANCE OF DECISION

- 2 This report does not trigger the Council's Significance Policy.

BACKGROUND

- 3 NZTA's application to the EPA for the construction, operation and maintenance of a State Highway from MacKays to Peka Peka was publicly notified on 18th May 2013. Submissions must be received by the EPA by 5pm Monday 17th June 2013.

CONSIDERATIONS

Issues

- 4 The draft submission attached to this report (Appendix A) supports NZTA's proposal subject to the resolution of key outcomes and the provision of more effective conditions. In particular, it notes three areas of critical concern to the Council:
 - The design and management of effects for this section of the Wellington Roads of National Significance (RoNS) must be to the same standards as has been applied to Transmission Gull and the MacKays to Peka Peka (M2PP) sections of the expressway to the south – in other words, there must be the same level of ecological offset, the same standard of landscape and visual design and mitigation, the provision of an off-road cycleway/walkway, stormwater treatment and management, and so forth.
 - It is essential to ensure certainty over the quality of the outcomes that are achieved in the design and construction of the proposed Expressway, given that the proposal is currently largely conceptual at present, and that there is a substantial amount of detail yet to be determined. To obtain this certainty, the Council must have an effective role in the process of finalising the final design of the proposed Expressway, including mitigation. The best method for achieving a greater level of certainty in the quality of outcomes and environmental mitigation would be to provide the Council with a certification role as it has with the M2PP project: if it has that role, the Council would

accept the waiver of the requirement for the lodgement of Outline Plans, as per M2PP.

- There are questions around whether the designation corridor is of an appropriate width to fully manage and mitigate the effects of the proposed Expressway. It appears that insufficient mitigation has been proposed in a number of key areas such as ecological offset, stormwater management and provision of appropriate mitigation for landscape and visual effects; and, that this seems to have been driven at least in part by the narrowness of the designation corridor.
- 5 The key outcomes that the submission seeks to achieve include:
- a. Design standards and management of effects consistent with M2PP which is effectively part of the same section of State Highway, albeit it has been artificially split in two for NZTA's project management and funding purposes. The Council notes that this may require the proposed designation to be extended at key pinch points along the route;
 - b. Clear mechanisms for the Council to have an effective role in the development and approval of the detailed design;
 - c. Stormwater effects – the project must comply with the Council's policy of hydraulic neutrality; flooding hazards must not be exacerbated by the proposed Expressway from additional stormwater runoff and from changes to stream crossings, particularly at Ōtaki;
 - d. Groundwater and surface water effects – the hydrological environment along the proposed alignment must be properly characterised and assessed, and all effects appropriately mitigated;
 - e. Terrestrial ecological effects – that appropriate detailed assessments are undertaken and more comprehensive ecological mitigation and enhancements are undertaken to offset the loss of indigenous vegetation, with all offsets at a minimum consistent with those provided for in the Transmission Gully and MacKays to Peka Peka projects;
 - f. Freshwater ecological effects – the loss of nearly three kilometres of streams must be mitigated to achieve no net loss of aquatic biodiversity; it is essential that culverting of streams is minimised;
 - g. Economic effects – that Ōtaki town is assisted in adjusting to the economic downturn that will eventuate in the immediate term as result of the construction of the Project and of SH1 bypassing the town;
 - h. Railhead – the designation of the Ōtaki section of the NIMT railway needs to adequately future proof its capacity to provide opportunities for extended commuter passenger services and cargo distribution out of the Ōtaki station;
 - i. Cycleway/Walkway/Bridleway (CWB) – provision for an off-road CWB to the same standards as M2PP;
 - j. Landscape effects – a more meaningful response to the landscape and visual effects of the proposal is needed to ensure that the final design minimises these effects appropriately and an effective landscape

planting strategy is developed that recognises the different contexts along the route;

- k. Amenity effects – further assessment is needed to identify and properly address amenity and visual amenity effects arising from such matters as loss of views, changes in the immediate landscape, noise, lighting and shading;
- l. Noise – that appropriate further assessments are undertaken prior to construction, and that the conditions adequately address the potential noise and vibration effects from the construction and operation of the proposed Expressway; and
- m. Transportation effects – that the effects of the Expressway's connections with the local roading network are adequately addressed through a Network Integration Plan certified by the Council.

Financial Considerations

- 6 There are no financial considerations.

Legal Considerations

- 7 There are no legal considerations.

Delegation

- 8 Under the Governance Structure (18 April 2013) section B.2, 7.38 the Committee has the:

“Authority to review and approve and Kāpiti Coast District Council submission on any issue that is being made on behalf of Council, where such review and approval is requested by officers.”

Consultation

- 9 There are no consultation considerations.

Policy Implications

- 10 There are no policy decisions directly arising from the recommendations in this paper.

Tāngata Whenua Considerations

- 11 The proposed Peka Peka to Ōtaki Expressway has implications for iwi. The attached draft submission acknowledges that NZTA has established an ongoing relationship with Ngā Hapū o Ōtaki; and, notes that this relationship must be maintained during the detailed design and construction of the proposed Expressway.

Publicity Considerations

- 12 A media statement will be prepared to accompany the lodging of the final submission with the EPA.

RECOMMENDATIONS

- 13 That the Committee approves the draft submission to the Environmental Protection Authority and the New Zealand Transport Agency on the proposed Peka Peka to Ōtaki Expressway Proposal, attached to this report (SP-13-920) as Appendix A, subject to any changes made by the Committee.

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ATTACHMENTS:

Appendix A: Draft Submission of the Kāpiti Coast District Council on the Peka Peka to Ōtaki Expressway Proposal, 11th June 2013