

17th June 2013

Submission of the Kāpiti Coast District Council on the Peka Peka to North Ōtaki Expressway Proposal

To The Environmental Protection Authority
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1 OUTLINE OF THE COUNCIL'S SUBMISSION

- 1.1 This is the submission of the Kāpiti Coast District Council (the Council) as per Council resolution RMC 13/6/128 on 13th June 2013.
- 1.2 The Council makes this submission on the Notice of Requirement (NoR) and Resource Consent Applications lodged with the Environmental Protection Authority (EPA) by the New Zealand Transport Agency (NZTA) for the North Ōtaki to Peka Peka Expressway Proposal (the Proposal) and the associated NoR lodged by KiwiRail.
- 1.3 This submission relates to all parts of the NoR and resource consent applications for the Proposal.
- 1.4 The Council supports the Proposal in part because, while it supports the proposed Expressway, it also seeks further information, refinements, or more effective conditions in relation to some aspects of the Proposal.
- 1.5 The Council wishes to appear at the forthcoming hearing in support of this submission.
- 1.6 The Council's submission outlines the key outstanding issues in the following order:
 - (a) Groundwater
 - (b) Hydrology and stormwater
 - (c) Terrestrial ecology
 - (d) Freshwater ecology
 - (e) Railway
 - (f) Urban form and design
 - (g) Landscape and visual effects
 - (h) Cycleway, walkway and bridleway
 - (i) Roading and traffic
 - (j) Noise and vibration
 - (k) Economic Effects
 - (l) Social effects
 - (m) Cultural/tangata whenua
 - (n) Sediment control and erosion
 - (o) Contaminated land
 - (p) Effects on Council's utilities
 - (q) Statutory planning
- 1.7 For each topic, the Council presents its comments using the following structure (where applicable).
 - (a) Outstanding issues
 - (b) Outcome sought (grouped under the following categories as relevant):

- (i) Issues requiring further assessment/information before construction can commence;
- (ii) Design aspects that need to be altered in order for the Proposal to be supported; and
- (iii) Conditions requiring more detail in order to deliver the Proposal's anticipated outcomes.

2 BACKGROUND

- 2.1 The proposed Peka Peka to Ōtaki Expressway is one of eight separate projects along the Wellington Northern Corridor (State Highway 1 between Levin and Wellington International Airport). The Wellington Northern Corridor is one of seven Roads of National Significance (RoNS) that the Government has identified as essential State Highways which require upgrading.
- 2.2 The proposed Peka Peka to Ōtaki Expressway extends from Te Kowhai Road near Peka Peka in the south to Taylors Road to the north of Ōtaki, an approximate distance of 13km. It comprises two lanes of traffic in each direction, up to 26m wide including the central median. Local access to and from the Expressway would be provided by half-interchanges to the north and south of Ōtaki, which would provide access to Ōtaki and Te Horo.
- 2.3 A section of new local road would be constructed at the southern end, between Te Kowhai Road and Mary Crest (near Te Horo) that would link with the current State Highway to create a continuous local road running generally parallel to the proposed Expressway along its entire length. There would be several local road crossings (bridges) of the proposed Expressway, as well as some new local road reconfigurations, to retain local network connectivity.
- 2.4 The roading component of the project also requires the realignment of approximately 1.2 km of the North Island Main Trunk (NIMT) through Ōtaki, and KiwiRail has lodged a NOR for that section. The NOR by KiwiRail is for the designation of land for the construction, operation, maintenance and improvement of a realigned section of the NIMT through Ōtaki.
- 2.5 The Project is the third component of the upgrading of State Highway 1 between Levin and Wellington International Airport that is located within the Kāpiti Coast District: the Transmission Gully project was approved by a Board of Inquiry in 2012, the northern end of which (between MacKay's Crossing and the Wainui Saddle) is within Kāpiti Coast District; and the MacKays to Peka Peka Expressway (M2PP), which was approved by a Board of Inquiry in early 2013, that would connect to the Peka Peka to Ōtaki Expressway at Te Kowhai Road.
- 2.6 The Council considers it important that the Peka Peka to Ōtaki Expressway is considered in light of the recent planning approvals for the Transmission Gully project and the MacKays to Peka Peka Expressway, including the consistency in design standards and the level of mitigation applied to these projects.

3 GENERAL POSITION

Conditional Support

- 3.1 In general, the Council supports the proposed designation and associated resource consent applications, subject to the resolution of key outcomes. The Council considers that the majority of these outcomes could be achieved through appropriate and effective conditions on the designation, and is prepared to work with the Agency in the formulation of such conditions.
- 3.2 There are three areas of critical concern to the Council:
- (a) Consistency of outcomes with other RoNS projects;
 - (b) Certainty in achieving quality outcomes; and
 - (c) Effective provision for mitigation.

Consistency of Outcomes with other RoNS projects through the Kāpiti District

- 3.3 The Council understands and accepts that the planning process for this proposal is following the more traditional route for designations, in that the proposed works have only been developed to a concept level, with many of the design details yet to be determined. This contrasts with the MacKays to Peka Peka Expressway project, for which a much greater level of design detail was achieved prior to the lodgement of applications to the Environmental Protection Agency (EPA) in order to facilitate the earliest construction commencement date.
- 3.4 However, the Council is concerned to ensure that the design and management of effects for this section of the Wellington RoNS must be to the same standards as has been applied to the Transmission Gully and MacKays to Peka Peka Expressway sections 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. NZTA has always presented the Wellington RoNS as a single package and the Council does not accept that there should be any slipping of standards for this stretch of highway.

Certainty of Outcomes

- 3.5 The Council also strongly considers that 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 that certainty, the Council wants to have an effective role in the process of finalising the final design of the proposed Expressway, including mitigation.
- 3.6 The Council understands that the Agency intends using the outline plan process available under s176A once it has advanced the Expressway design. While the Outline Plan provides an opportunity for the Council to comment on the final design and management of effects, it would have no

role in approving such plans and any dispute would have to be resolved through appeals to the Environment Court. This approach again contrasts with the MacKays to Peka Peka Expressway project, for which the Agency obtained a waiver of the outline plan process, in lieu of an expanded Management Plan process for certification by the Council, which included landscape, urban design, and traffic management. While the Council understands that the Agency intends to provide the Council with the certifying function in respect of the site specific management plans that would be lodged subsequent to Outline Plans, the District Council considers that it must also be satisfied as to the overall quality of design and management that would be prescribed by the higher level management plans.

- 3.7 One 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 MacKays to Peka Peka Expressway project: if it has that role, the Council would accept the waiver of the requirement for the lodgement of Outline Plans, as per M2PP. If the waiver of outline plan requirement is not being sought, the Council would have to be satisfied that it would have an effective role in the development and approval of detailed design and the formulation of management plans.

Appropriate Designation

- 3.8 The Council questions whether the designation corridor is of an appropriate width to fully manage and mitigate the effects of the proposed Expressway. The Council considers 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.

Key Outcomes Sought

- 3.9 The key outcomes the Council are seeking 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 hydro geological / hydrological environment along the proposed alignment must be properly characterised and assessed, and all effects appropriately mitigated;

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- (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.
- 3.10 The Council considers that, in general, these outcomes will be best addressed through conditions imposed on the designation that prescribe the outcomes being sought, and establish appropriate processes for achieving those outcomes. However, it accepts that not all of the outcomes may be achieved through conditions, and therefore seeks to work collaboratively with the NZTA to identify and implement appropriate methods to resolve its outstanding concerns.
- 3.11 In summary, the Council supports the approval of the Notices of Requirement and resource consent applications provided that:
- (a) The conditions are strengthened to achieve the key outcomes sought by the Council in this submission;
 - (b) The Council is provided a more effective role in the design of the Project, particularly in regard to:

- (i) landscape and visual mitigation;
 - (ii) terrestrial and freshwater ecological mitigation;
 - (iii) the integration of the Expressway with local roading network;
and
 - (iv) stormwater disposal and the effects on groundwater, hydrology
and flood risks;
- (c) The economic effects arising during the construction of the proposed Expressway and immediately after it comes into operation are more fully addressed;
- (d) The capacity of the designations for the proposed Expressway and railway realignment are satisfactorily demonstrated to be able to achieve the outcomes being sought by the Council, particularly the mitigation that is necessary to achieve.

Necessity for Ōtaki Bypass

- 3.12 Subject to the resolution of a number of outstanding issues to this part of the Project, the Council fully supports the bypassing of Ōtaki, as the Council has long acknowledged the traffic issues in the town, which not only create significant congestion and delays for motorists, but have also degraded the quality of the Ōtaki railway town centre and the residential areas along the existing highway. The Council is concerned, however, that, should funding constraints occur, the bypass of Ōtaki still proceeds as a priority, and that safety and other improvements are instituted along the remaining length of the existing State Highway 1. The Council is also concerned that the Ōtaki community is assisted in adjusting to the economic effects that would arise from construction and, subsequently, the bypassing of Ōtaki.

4 GROUNDWATER HYDROLOGY

- 4.1 The groundwater system traversed by the proposed expressway comprises a number of notable features including:
- (a) Wetland areas on the coastal plain at either end of the alignment (including the regionally significant Te Hapua complex located approximately 1.4 kilometres west of (and downstream from) the alignment near Peka Peka);
 - (b) Springs at the base of the marine terrace which runs parallel to the expressway alignment between Te Horo and the Ōtaki River;
 - (c) Extensive interaction between groundwater and surface water on the Ōtaki River and along the coastal plain; and
 - (d) A significant quantity of groundwater takes for the purposes of domestic, stock and irrigation supply, particularly across the Hautere Plain.
- 4.2 In light of this, the Council considers that there are a number of activities associated with expressway construction that have the potential to affect these features and to alter the rate and nature of groundwater flow in the surrounding aquifer system(s). These include:
- (a) Pre-loading/surcharge of peat;

- (b) Excavation and replacement of peat with fill materials;
 - (c) Installation of drainage;
 - (d) Dewatering during construction;
 - (e) Groundwater abstraction for construction water supply; and
 - (f) Alteration of existing surface water drainage patterns.
- 4.3 The Council also notes that there are close links between the groundwater and ecological sections of the AEE, and similarly between the corresponding parts of this submission.

Outstanding Issues

- 4.4 The Council is strongly of the view that the potential effects on groundwater associated with expressway construction have not been rigorously assessed in the AEE. This is evidenced, for example, by the conclusion reached in the AEE that potential permanent changes in groundwater level of up to two metres at points along the proposed alignment are unlikely to result in an effect on the groundwater resource that is 'more than minor'. The Council does not agree that such effects would be 'no more than minor'.
- 4.5 The Council has several critical concerns regarding the impact of the project on the hydrology of the Kāpiti Coast as follows:
- (a) The hydro geological environment along the proposed expressway alignment is insufficiently characterised. For example, historical groundwater level monitoring undertaken by GWRC near Mary Crest has identified seasonal groundwater level variations significantly greater (up to 4 metres) than those assumed in the assessment;
 - (b) The assessment of the scale and nature of potential effects on groundwater levels and the consequent impacts on groundwater dependent ecosystems or hydraulically connected surface water associated with expressway construction is superficial and lacking in detail. The Council notes that as the direction of ground water flow is generally east to west on the Kāpiti Coast the potential exists for construction of the expressway to interfere with existing groundwater patterns, including the raising and lowering of groundwater levels;
 - (c) There is a risk of subsidence associated with groundwater lowering that could affect properties and services situated near to the proposed alignment, and the lowering of groundwater levels could also adversely affect ground water bores that the Council and property owners rely on for water supply;
 - (d) The potential effects of land infiltration associated with construction related runoff and stormwater discharge is superficial and lacking in detail (other than a statement to the effect that stormwater infiltration via swales will be an improvement on the current informal drainage system). The Council considers that expressway construction will increase the volume of infiltration to groundwater through formalised stormwater treatment systems (i.e. swales), and that in the longer term such changes also have the potential to result in ground settlement in unconsolidated soft sediment on the coastal plain;

- (e) Although piezometers have been installed along the expressway alignment, there is little or no detail of proposed monitoring to quantify potential effects on the groundwater resource or hydraulically connected surface water bodies; and
- (f) The proposed management plans lack any detail concerning the process for identifying adverse effects on the groundwater resource and mitigation options in the event that any adverse effects are identified.

Outcomes Sought

4.6 In response the Council seeks the following outcomes:

- (a) Issues requiring further assessment/information before construction can commence:
 - (i) The hydro geological environment along the proposed expressway alignment needs to be more exhaustively characterised in order that critical thresholds can be set to trigger mitigation actions and to inform the design of effective mitigation methodologies; and
 - (ii) The nature and scale of potential construction effects on groundwater levels and the consequent impacts on groundwater dependent ecosystems or hydraulically connected surface water need to be more exhaustively identified and assessed.
- (b) Conditions requiring more detail in order to deliver the Proposal's anticipated outcomes:
 - (i) Include provision within the CEMP for the establishment of a monitoring programme to identify the nature and scale of any effects on groundwater levels, flows and/or quality, with further reference to appropriate mitigation options should the magnitude of any such effects exceed a more than minor threshold;
 - (ii) Provide a formal role for the Council to have input into and review of the monitoring programme, alongside NZTA and GWRC;
 - (iii) Construction methodologies need to be designed to avoid disturbance to vulnerable wetland areas (such as the Te Hapua complex) and adverse effects on hydrology more generally; and
 - (iv) Given the uncertainties associated with the groundwater modelling a precautionary approach needs to be applied to the proposed hydrological conditions.

5 STORMWATER, SURFACE HYDROLOGY & FLOODING HAZARDS

Outstanding Issues

5.1 The Council observes that potential flood hazard risks are likely to be aggravated by the construction of the proposed expressway, and is

extremely concerned that the project does not achieve hydraulic neutrality. Achieving hydraulic neutrality is a fundamental requirement of the District Plan and was achieved by the MacKays to Peka Peka Expressway Project. There is no reason why an exception should be made for this project.

- 5.2 To ensure that flooding risks are not exacerbated on the Kāpiti Coast the Council has adopted a policy of hydraulic neutrality associated with all development that is premised on the following key outcomes:
- (a) Peak flows and flood levels are not increased; and
 - (b) Changes in overflow paths do not adversely affect ecologically significant areas.
- 5.3 In light of this policy position it is essential that the stormwater drainage and disposal systems aligned with the proposed expressway are designed, constructed and operated in a manner that will achieve hydraulic neutrality (i.e. no exacerbation of the existing situation). It also considers that existing flow patterns should be maintained so that one catchment does not suffer in order to protect another.
- 5.4 Particular activities identified by the Council that have the potential to exacerbate flood risk are as follows:
- (a) Earthworks and permanent structures associated with the proposed expressway could have a significant impact on the management and mitigation of flood risks. Consequently, it is extremely important that their design and construction does not result in an increase in flooding potential outside the proposed designation corridor; and
 - (b) Infill of existing flood plains will have an adverse effect on surrounding properties through potentially raising flood levels upstream of the proposed alignment, and this effect needs to be mitigated within the designation (for example, flood storage areas).
- 5.5 The Council acknowledges that the design flood event for large rivers should be determined on the basis of risk and notes in the case of the Ōtaki River that this appears to be a 500y average recurrence interval (ARI) event. It further notes, however, that it is unclear in the AEE what degree of sensitivity analysis has been undertaken for this event, particularly in relation to partial blockage of the dry culvert. As sensitivity analysis is typically used to set freeboard, the Council considers that further assessment is required to understand the risk to properties situated below the road given the plausible scenarios associated with the new design. As the Waitohu Stream also comprises a series of dry culverts the Council considers that these too should be tested for partial blockage as a sensitivity run.
- 5.6 The Mangapouri catchment downstream of the proposed expressway floods regularly and there is no current capacity for stormwater flows to be increased without managing the corresponding effects. The Council notes that there is a strong community desire, formally endorsed by the Council, to see the ecological values of this stream enhanced and therefore a heavily engineered solution to improve the downstream capacity is not supported. It further observes that such works would also be contrary to the *Ōtaki Freshwater Vision* and inconsistent with the Council's current stormwater upgrade priorities for the area.

- 5.7 Given the complex nature of the Mangapouri design the Council considers that sensitivity analysis should be applied to this system to test the resilience of the design, including partial blockage of the culvert under Rahui Road and/or illegal filling in of the overflow path. The Council is strongly of the view that the effects assessment should include maps relating to the entire Mangapouri catchment, not just those parts traversed by the proposed expressway.
- 5.8 The Council notes that the change in land use resulting from the proposed expressway will increase the amount of runoff downstream and that this, in turn, will have an adverse effect on downstream areas unless suitably mitigated. It also considers that as contaminants originating from the proposed road will affect water quality, adequate stormwater treatment needs to be provided to ensure that ecological values along the route are protected.
- 5.9 The Council further notes that overland flow paths and storage areas form an important part of the completed design in some places. However, as it is unclear whether these fall within the designation for the project the Council considers that further clarification is essential regarding their anticipated future protection.
- 5.10 The importance of the existing culvert under the NIMT railway line in the vicinity of County Road is also noted. As this “throttle” effectively protects the town of Ōtaki from flooding. It is critical that it is retained in the expressway design in order to avoid the release of additional downstream stormwater.

Outcomes Sought

- 5.11 In response the Council seeks the following outcomes:
- (a) Issues requiring further assessment/information before construction can commence:
 - (i) Re-assess the nature and scale of proposed earthworks and permanent structures to confirm that they will not result in an increase in flooding potential outside the proposed designation corridor;
 - (ii) Mitigation of the infill of existing floodplain storage through the creation of offset storage areas and attenuation of peak flows in wetlands and swales;
 - (iii) Undertake further sensitivity analysis of the Ōtaki River and the Mangapouri and Waitohu Streams;
 - (iv) Preparation of a map illustrating the hydrology of the entire Mangapouri catchment; and
 - (v) Confirmation of whether identified overland flow paths and storage areas are covered by the expressway designation and how their future protection is anticipated.
 - (b) Conditions requiring more detail in order to deliver the Proposal’s anticipated outcomes:
 - (i) Update the hydrologic modelling to confirm that design requirements will deliver the stated project outcomes and that

the expressway will be designed and constructed in a manner that:

- Conforms to the Council's stormwater requirements and associated best practice, particularly the Stormwater Management Strategy and its policy of on-site hydraulic neutrality;
 - Ensures that the east-west flow of stormwater and groundwater is not impeded;
 - Ensures that natural flows in wetlands are not impeded.
- (ii) Mitigation of the infill of existing floodplain storage through the creation of offset storage areas and attenuation of peak flows in wetlands and swales;
- (iii) Mitigation of adverse water quality effects through use of swales and wetlands for stormwater treatment prior to discharge;
- (iv) Retention of the existing culvert under the NIMT railway line in the vicinity of County Road; and
- (v) Ensure that the final operational designation fully incorporates offset storage and ecological offset areas in order that these mitigation works can continue to function on an ongoing basis.

6 TERRESTRIAL ECOLOGY

Note: the freshwater ecology of wetlands is addressed separately under Freshwater Ecology

- 6.1 Although the Council has identified several issues of concern regarding the affect of the Expressway on terrestrial ecology, it acknowledges and supports the avoidance of Mary Crest Bush and wetland through the project design of the project, as well as the suggested buffer planting of forest remnant edges.

Outstanding Issues

- 6.2 The Council notes that the project area is located within the Foxton and Manawatu Plains Ecological Districts where the prior extent of indigenous vegetation, wetlands and habitats has been significantly reduced. Given this, it is concerned that this situation is likely to be exacerbated as the project will result in the loss of:
- (a) The majority (0.5ha) of the Ōtaki Railway wetland (K134);
 - (b) 0.5ha of mature native bush including significant parts of Hautere Bush F (K038);
 - (c) Indigenous riparian planting along the Mangapouri Stream and at Pare-o-matangi reserve;
 - (d) Mature native trees associated with the edges of bush fragments, and scattered along the designation; and
 - (e) Habitat for native fauna, including lizards, birds and invertebrates, and adverse effects on indigenous fauna.

- 6.3 The Council also has concerns regarding the hydrological impacts of the proposed Expressway, particularly on Mary Crest Bush and wetland and on the remaining area of the Ōtaki Railway wetland.

Ecological Values and Significance

- 6.4 Given the rarity of remaining indigenous vegetation and wetlands in the ecological districts, vegetation and habitat affected by the project is considered to be significant in terms of Section 6 (c) of the RMA and Policy 22 of the Wellington Regional Policy Statement (RPS). This position is further reinforced by the fact that all the land covered by the proposed Expressway designation is within an Acutely Threatened Land Environment where less than 10 percent of the indigenous vegetation cover remains.
- 6.5 The ecological values and significance of the native bush, scattered mature native trees and wetland areas that will be lost has been significantly underestimated by the project. The forest types represented at Hautere Bush, Cottles Bush and Stephens Bush, and the scattered native trees including totara, matai and kahikatea, are rare examples of extant forest located on alluvial terraces, and represent fragments of a forest type that has been significantly reduced from its former extent.
- 6.6 The Ōtaki Railway wetland is a significant area of wetland within Kāpiti Coast and the Wellington Region that will experience substantial degradation as a result of the proposed Expressway. The Council understands that it is a significant area of raupo wetland that is highly likely to be a habitat for wetland fauna. However, it is concerned to note that unlike fish and aquatic invertebrates, no surveys have been undertaken of indigenous wetland bird species.
- 6.7 The project relies extensively on an assessment of ecological condition to evaluate the value and significance of wetlands and forest fragments, but the Council notes that this is not an explicit assessment criterion under Policy 22 of the RPS. By contrast, as these fragments are highly significant within the context of the Foxton and Manawatu Ecological Districts and are representative examples of an ecosystem type that has diminished nationally reduced, the Council considers that they meet the criteria for regional ecological significance set out in Policy 22 of the RPS.

Compensation Ratios

- 6.8 It is the Council's considered opinion that the proposed mitigation inadequately reflects the significant ecological values that will be lost, and that the compensation ratios proposed will not achieve "no net loss" as suggested. In particular, the ratios for wetland and indigenous vegetation loss proposed (i.e. 2:1 to 3:1) are significantly below those specified in the designation conditions relating to Transmission Gully (i.e. a ratio of over 6x for loss of kohekohe broadleaved forest) and Mackays to Peka Peka Expressway (i.e. at least 5x for the loss of wetlands) for comparable habitat type. The Council cannot understand the lower standard proposed for this project and finds it unacceptable that a significantly lower level of offset is being proposed for this stretch of the expressway.
- 6.9 The Council further notes the paucity of information regarding the methodology used to determine compensation ratios, as well as the absence

of any indication as to whether best practice international biodiversity offset principles were used to inform to establishment of the proposed quantum. This, in turn, raises questions over the adequacy of survey and assessment methods, the valuations that are derived from them, and the mitigation measures proposed on the basis of valuations.

Mitigation

- 6.10 The Council considers that the type and extent of mitigation proposed inadequately compensates for the loss of wetland and rare forest types, and will not achieve the offset principles of “no net loss” or “like for like”. For example, the ecological purpose and hydrology of the two wetland areas (1.1ha) proposed to be created as mitigation for the loss of the Ōtaki Railway wetland (0.5ha) is unclear and will not restore a ‘like for like’ swamp wetland ecosystem. The Council notes that open water areas for waterfowl are to be created, but is of the view that the limited wetland plant communities and habitat suggested will be ineffective in restoring a raupo swamp forest habitat.
- 6.11 It is further noted that the Ōtaki Railway Wetland is also intended to be used to treat stormwater, and that the Kennedy wetland, a pond to be used for stormwater treatment, is to be used for Ōtaki Railway wetland mitigation purposes. The Council considers that the key purpose of wetland restoration/mitigation should be to create or restore naturally functioning wetland ecosystems that reflect the natural character and habitat value of those being destroyed. Consequently, it is of the view that wetlands should be primarily designed to achieve ecological outcomes not stormwater treatment ones, and that additional wetland restoration that achieves ecological goals is required. The Council notes the MacKays to Peka Peka expressway provided specific solutions for stormwater treatment and did not compromise wetlands by using them for stormwater treatment. Once again the Council finds it unacceptable that a significantly lower standard is being proposed for this stretch of expressway.
- 6.12 Regarding mitigation planting, the Council considers that the planting proposed will be incapable of restoring the forest type lost as it is of insufficient size and comprises an inappropriate species mix. The absence of any assessment of the potential loss of indigenous vegetation and habitats for indigenous flora and fauna outside of the immediate footprint and within the designation, along with any corresponding mitigation, is also noted.
- 6.13 Although the proposed consent conditions stipulate that the purpose of the Ecological Management Plan (EMP) is to “detail the ecological management programme that will be implemented”, the Council observes that it only provides a broad framework rather than a detailed plan. Consequently, it notes that this will make it difficult to assess the efficacy of the remediation and mitigation proposed in the absence of conditions that clearly express the requirements for the final EMP.

Fauna

- 6.14 Indigenous vegetation, wetlands and native trees affected by the project will provide both a significant habitat and food source for native birds. However,

the Council understands that a comprehensive bird survey, including wetland birds and birds associated with streams and rivers, has not been undertaken. Equally, the Council notes that no information has been provided as to how the effects of the project on indigenous birds and lizards and their habitats are to be mitigated, and whether indigenous land snails were surveyed as part of the invertebrate and fauna surveys.

Monitoring

- 6.15 Although the inclusion of aquatic invertebrates in the proposed wetland monitoring is noted, the Council considers that this will be insufficient to assess the success of swamp wetland restoration in the absence of more extensive monitoring of wetland ecology and vegetation.

Outcomes Sought

- 6.16 In response the Council seeks the following outcomes:
- (a) Issues requiring further assessment/information before construction can commence:
 - (i) Opportunities should be investigated to enlarge the area of existing remnants and to restore and recreate forest habitats, fauna habitats, ecological linkages and corridors through linkages with stream restoration and wetland restoration and more substantial terrestrial restoration.
 - (ii) Conditions requiring more detail in order to deliver the Proposal's anticipated outcomes:
 - (b) Input from the Council and an appropriately qualified ecologist in the development and implementation of the CEMP, EMP and SSEMP;
 - (c) A minimum compensation ratio of 6:1 to offset the extent of loss and the rarity of remaining indigenous vegetation within the ecological districts of Kāpiti Coast and the rarity of the ecosystems impacted;
 - (d) Due to the rarity of vegetation types mitigation should be provided on a 'like for like' basis, reflecting both the natural characteristics and forest and wetland types characteristic of the ecological district;
 - (e) Proposed mitigation for the loss of indigenous vegetation should comprise either protection of an area of existing forest or planting of 1.5ha at Mary Crest;
 - (f) Mitigation for the loss of 0.5ha of a rare forest type, as well as mature native trees, should comprise substantial restoration planting to recreate totara-matai forest on the alluvial terraces, and permanent protection and covenanting of existing similar unprotected forest areas;
 - (g) Potential adverse impacts on the hydrology of wetlands within and adjacent to the proposed route should be avoided or minimised, and included within any calculation of mitigation and restoration for the project;
 - (h) Permanent legal protection should be provided for mitigation and restoration areas within the designation (and also for any

mitigation/restoration areas that may be proposed outside the designation);

- (i) Appropriate maintenance periods (i.e. longer than the proposed three years) that follow best international practice should be set for wet and dry swales, revegetation and riparian planting;
- (j) Monitoring of the effects of the project and of the success of wetland restoration using national wetland condition monitoring techniques including vegetation monitoring, impacts of weeds, and monitoring of habitat for wetland birds;
- (k) Independent, best practice monitoring of the long-term hydraulic effects on wetlands located in close proximity to the proposed Expressway over an appropriate time frame (i.e. longer than the 12 months proposed); and
- (l) Require further action to address any issues identified by the monitoring.

7 FRESHWATER ECOLOGY

- 7.1 Although the Council has identified several issues of concern regarding the effect of the Expressway on freshwater ecology it supports the proposed 20m riparian buffer width and the proposal to undertake substantial riparian planting along a number of streams.

Outstanding Issues

Stream Diversions

- 7.2 The project will result in the loss or alteration of 2,834 metres (i.e. nearly three kilometres) of stream habitat through culverting, bridging or diversion. Given the scale of this impact the Council considers that opportunities to mitigate the effects of proposed stream diversions should be extensively explored and an assurance provided that new stream habitat appropriately mitigates for loss or modification of habitat elsewhere. The *Greater Ōtaki Community Freshwater Vision* statement, which has formal status as part of the Council's Long Term Plan, provides for culverting of streams only as a last resort.

Construction Effects

- 7.3 The construction of bridges, culverts and diversions has the potential to harm or kill native fish and aquatic organisms through disturbance or discharges and by impeding migration. In light of this the Council is concerned about the robustness of the fish sampling methodology proposed and notes the absence of any specific sampling of mudfish.
- 7.4 The Council notes that consideration of sedimentation effects is predominantly centred on yield, with no consideration given to the risks posed by different sediment types (i.e. clay versus sand) or suspended versus settled sediment. As differing sediment types present different environmental risks the Council considers that the consequences of high risk

sediments that settle rapidly need to be addressed by the project. It is also noted that aside from sedimentation no other potential contaminant risks are identified.

- 7.5 Indicative measures to minimise the risk of construction activities on fish passage are considered appropriate. However, the Council observes that although the project seeks to avoid in-stream flow diversions during migration season the potential effects of earthworks on diversions during the migration periods has not been addressed. Consequently, it considers that further clarification is required regarding the potential risks to fish passage during migration season.
- 7.6 The Council considers that as construction works will have a drawdown effect on the Ōtaki Railway wetland and constructed wetlands along the proposed Expressway, further understanding of the groundwater baseline and management of these wetlands is required.

Mitigation

- 7.7 The Council considers that the AEE confuses mitigation with risk minimisation (refer Section 20.3.1). Consequently, this has resulted in proposed best-management construction practices being designed to minimise the effects of construction works on aquatic values rather than to mitigate them.
- 7.8 Due to the paucity of detail in the AEE the Council has concerns regarding the mitigation proposed. These include:
- (a) The accuracy of the assessments of ecological value relating to affected aquatic ecosystems and the adequacy of the corresponding mitigation proposed;
 - (b) The extent to which the biodiversity offsetting principles and guidelines cited have been properly adhered to and whether appropriate offsetting objectives will be achieved;
 - (c) Justification for, and the adequacy of, the compensation ratios proposed (i.e. 2:1; 1.5:1, 0.7:1 for high, moderate and low value stream classes respectively);
 - (d) Whether the locations proposed for mitigating unavoidable adverse effects will deliver the best possible outcomes;
 - (e) Justification for the proposed turbidity trigger of 50% given that a trigger of 20% has been applied to other NZTA projects in the area.
- 7.9 The Council notes that riparian planting is not proposed for the Ōtaki River, the most significant waterway crossed by the Expressway in this area. While riparian planting along this river may not make significant difference in terms of aquatic habitat and shading, the Council considers that it would create and restore terrestrial habitat in an area that is highly depleted and lacking in indigenous riparian vegetation.
- 7.10 The Council also notes that it is unclear whether mitigation planting is proposed on streams separate to stream realignments and that this, in turn, could result in double dipping.

Outcomes Sought

- 7.11 In response, the Council seeks the following outcomes:
- (a) Issues requiring further assessment/information before construction can commence:
 - (i) The drawdown effect of construction works on the groundwater baseline and management of the Ōtaki Railway wetland and constructed wetlands along the proposed Expressway;
 - (ii) Justification of the proposed compensation ratios (i.e. 2:1; 1.5:1, 0.7:1 for high, moderate and low value stream classes respectively) and the proposed turbidity trigger (i.e. 50%)
 - (iii) Culverting of streams must be minimised and where any culverting is provided for effects must be appropriately offset
 - (b) Conditions requiring more detail in order to deliver the Proposal's anticipated outcomes:
 - (i) Planting 20m wide riparian buffers of native vegetation should be undertaken along 2,720m of selected waterways to improve aquatic ecological values and to achieve "no net loss" of native aquatic biodiversity;
 - (ii) Construction activities should be scheduled outside peak fish migration periods, and culverts and restored channels designed to assist fish passage;
 - (iii) Best management practices in Construction Environmental Management Plan (CEMP) and Erosion and Sediment Control Plan (ESCP) should be applied to avoid or minimise adverse effects;
 - (iv) Native fish should be captured and trans-located prior to construction of waterway crossings and the reaches of these waterways blocked off to exclude native fish during construction;
 - (v) Monitoring with trigger levels and remediation plans to address effects should be undertaken during and post-construction.

8 RAILWAY

Outstanding Issues

- 8.1 The Council supports the realignment of the railway line at Ōtaki to provide for the construction of the proposed Expressway, including the rotation of the station building provided that the heritage values are properly provided for. However, the Council is very concerned to ensure that the Project does not compromise the capacity of the Ōtaki Railway station to service the future passenger and freight handling requirements of this growing urban area. Ōtaki is one of the areas within the District that is identified for urban growth, in terms of residential and commercial development. In addition, the largest area of industrial development in the District is planned for Ōtaki.
- 8.2 In particular, the Council considers that:

- (a) The land available to service the railway station must be sufficient to enable the future extension of electrified commuter passenger services to Ōtaki from Wellington; and
 - (b) The railhead freight handling capacity must be retained and the railway station must have the capacity to meet future freight movement by rail (the Council also notes that there is likely to be a considerable increase in freight moved through the Ōtaki railway station in future years).
- 8.3 Sufficient capacity at Ōtaki Railway Station must be provided to avoid some of the issues associated with the Waikanae Railway station in terms of the parking overspill that currently occurs.
- 8.4 Accordingly, the Council considers it essential that it is demonstrated that the designation is 'future proofed' in terms of enabling the railway station to accommodate potential future passenger and freight distribution services into the Ōtaki area.
- 8.5 The Council is also concerned that other potential improvements to the railway line in this part of the District are not precluded by the proposed Expressway, including the future provision for a station platform at Te Horo and the future rail curve easing at Mary Crest.

Outcomes Sought

- 8.6 In response, the Council seeks the following outcomes:
- (a) Conditions requiring more detail in order to deliver the Proposal's anticipated outcomes:
 - (i) The construction and operation of the proposed Expressway does not preclude the following:
 - retention of freight handling (railhead) capacity, plus capacity for expansion
 - future double tracking through the project area;
 - future provision of a second platform at Ōtaki Station as part of double tracking;
 - future provision of additional stabling associated with upgrades to the Ōtaki Station;
 - future provision for a station platform at Te Horo; and
 - future rail curve easing at Mary Crest.

9 URBAN FORM AND DESIGN

Outstanding Issues

- 9.1 In relation to urban form and design aspects, the Council is of the strong view that the Expressway must:

- (a) be consistent with existing Council Community Outcomes and the Council's Development Management Strategy, Sustainable Transport Strategy and Cycle, Walkways and Bridleways Strategy;
- (b) recognise and respect the wider existing and planned urban and rural contexts;
- (c) minimise pressures for urban expansion beyond the identified urban growth areas;
- (d) maintain and enhance the pre-eminence and economic viability of the District's existing major town centres as social, employment, retail and passenger transport nodes; and
- (e) minimise severance of communities and mitigate the effects of severance.

State Highway 1 and accessibility to town centres

- 9.2 The viability and vibrancy of the town centre at Ōtaki Railway will be affected, at least in the short to immediate term, by the removal of State Highway through traffic, a matter that NZTA has been aware of in the development of the proposal and through discussions with the Council and Ōtaki Community Board.
- 9.3 To reduce that impact, the NZTA is proposing "splitting" the Ōtaki interchange to the north and south of the town, to allow traffic to readily come off the Expressway and travel through the town to rejoin the Expressway. The Council fully supports this proposal.
- 9.4 Splitting the interchange as proposed would also reduce the potential for unplanned urban growth pressures to occur at the interchange locations. The Council does not support any move to full interchanges north or south of Ōtaki.
- 9.5 It is essential to ensure that effective and appropriate signage is provided at the two partial interchanges north and south of Ōtaki to inform motorists about the relative ease of bypassing the Expressway to travel through the town. The Council considers it crucial that such signage is not based on standard road directional signage but is designed specifically as a gateway feature, one that appropriately reflects the character and identity of Ōtaki. It is essential that this outcome is an explicit direction to the final design of the proposed Expressway.
- 9.6 Discussions to date between the Council and NZTA have indicated that the standard of gateway signage to the north and south of Ōtaki is intended to be of a considerably higher standard than NZTA's standard signage. However, the current wording in the application needs to be improved to provide this assurance.

Design of local road bridges

- 9.7 The local road bridge to connect the eastern and western sides of Te Horo community, which will cross over the existing State highway, the NIMT Railway, and the proposed Expressway, will be a large structure in a flat and open landscape. Its final design will need to be sympathetic to this context.

- 9.8 The proposed local road bridge over the proposed Expressway at Rahui Road will require the straightening of the road and the removal of several houses. Located within an urban context, the design of this bridge will also need to be sympathetic to its context.

Outcomes Sought

- 9.9 In response, the Council seeks the following outcomes:
- (a) Conditions requiring more detail in order to deliver the Proposal's anticipated outcomes:
 - (i) Greater specificity over the outcomes sought in relation to the gateway signage for Ōtaki town; and
 - (ii) Design of local road bridges to a standard consistent with those provided for other RoNS projects in the Kāpiti District, with due regard to the specific context of the bridges.

10 LANDSCAPE & VISUAL EFFECTS

Outstanding Issues

- 10.1 The Council considers that the effects on amenity values, particularly the amenity values of existing residents and the wider community, have been generally under-reported and under-rated in the assessment. Council has concerns with the lack of clarity in the methodology, description and definition of landscape and visual effects, and with the lack of detail provided, which has created uncertainty over the quality of the final landscape design and visual mitigation.

Scale of transport corridor versus width of designation & ability to mitigate effects

- 10.2 The NZTA Road layout plans indicate the new Expressway and accompanying connector roads in conjunction with the existing rail and road system create a transport corridor up to 140m wide. The Council understands that in places there may be up to eight lanes, plus a railway line, with the inclusion of new local road connectors on either side of the Expressway, two lanes on the existing SH1 (to become a local road) and four lanes on the Expressway. This would represent a significant visual impact on the rural landscape, and fitting this number of lanes into a relatively narrow transport corridor provides little room for effective landscape and visual mitigation.
- 10.3 The Council notes that the proposal is focussed on the Expressway and landscape mitigation is limited to areas within the proposed designation. As a result, Council has concerns the effects of the proposal on landscape character and visual amenity extend beyond the designation and further out beyond the wider transport corridor and into the surrounding landscape. At the same time, due to the narrowness of the designation, there is limited opportunity to screen or mitigate the scale of the development or to create a landscape that is sympathetic to local landform, land use and land cover.

- 10.4 Specific concerns are as follows:
- (a) The narrow designation allows minimal response to reinstate land cover and local character – the proposed plantings on small sections alongside local road are linear and on average about 20m wide, enough for 3 rows of mature trees but insufficient to mitigate the visual effects of the proposal or the loss of landscape character in the form of established trees and bush along edge of SH1.
 - (b) Localised small stands of trees reflect historic patterns of settlement and land use – remnant specimen totara in particular are under-rated in terms of their bio-physical, landscape character and associative values.
 - (c) There is little discussion in the AEE regarding replacement or trade-off mechanisms for the loss of this vegetation – in particular, there appear to be no plans (indicative or detailed) for identified gateway areas north and south of Ōtaki; and
 - (d) While the Council generally supports the alignment that avoids native bush and wetlands, detail around restoration of dune landforms around Mary Crest and Waitohu Plateau will be important.

Visual effects

- 10.5 Overall, Council considers that effects for views out from the Expressway need to be balanced against screening views of the transport corridor for local residents. Council is concerned that the Plans appear to focus more on the amenity of Expressway users rather than the visual effects on the proposal experienced from local roads or from rural properties.
- 10.6 More detail is required on proposed mitigation for visual effects for users of SH1, (particularly in areas such as the Te Horo straight where the Expressway is slightly elevated above State Highway 1), for rail travellers, for residents south of Waitohu Valley Road between SH1 and Expressway and for users of Pare-o-Matangi Reserve with the relocated NIMT elevated above reserve.
- 10.7 There is no mitigation in the landscape plans for residents on the western side of SH1 in Ōtaki township from Waerenga Road south and along Te Horo straight who will look out to a much expanded transport corridor.
- 10.8 Overall, Council considers that the visual effects extend beyond the designation area across the width of the entire transport corridor and beyond. Council does not support the conclusion in the AEE that limiting the footprint of the proposal and maintaining a narrow designation avoids and remedies visual effects which are further mitigated by planting along the edges of the Expressway. Rather, Council is concerned that limiting planting to the areas within a narrow designation limits the effectiveness of the proposed ULDF principles and the subsequent vegetative mitigation. In particular, there would be opportunities within the existing State Highway 1 designated corridor for visual mitigation. There may also be opportunities to slightly widen the proposed designation to provide for greater mitigation.

Amenity effects

- 10.9 As noted above, the Council has concerns that the Proposal shows minimal consideration for amenity of existing properties outside the designation, especially for residents on the western side of SH1 (for example, around Red Café at Te Horo). Another example of effects on amenity values relates to the rest area by Ōtaki Bridge south of Ōtaki River which will be impacted by new roading layout and landform changes.
- 10.10 The design process needs to address the specific impacts of the proposed Expressway along the route, and identify the appropriate level of mitigation required to mitigate the effects on amenity.

Revocation plans

- 10.11 The ULDF notes 'many of the urban design benefits of the project will be realised as improved environments for urban areas as part of the SH1 revocation project'.
- 10.12 However, Council is concerned that there will be visual and amenity effects arising from the accumulation of Expressway, SH1, local road and rail corridors. It is Council's considered option that best practice would be to address these effects or at least identify the mitigation for these effects as part of the Expressway proposal. It is not appropriate to leave them for an uncertain SH1 revocation project. In essence, that would leave the adverse effects unmitigated. If the urban design benefits are part of the revocation project rather than part of the proposal currently before the Board, they should not be treated as benefits of this project.
- 10.13 It is noted that no details are provided in the proposal on restoration of ground conditions following the proposed disestablishment of railway line.

Waterways

- 10.14 The AEE focuses on natural character (s6a) of wetlands and waterways rather than their importance in the quality of the environment and associative values including importance to the local community and cultural significance. As a result, the AEE downplays effects of the proposal on streams, rivers and wetlands and there is limited exploration of opportunities to enhance and restore landscape and amenity values at bridges and crossings of waterways, including:
- (a) Enhancement of landscape values on Ōtaki River corridor (identified in the Council's November 2011 Landscape Study as a landscape of significant amenity) around the bridge(s); and
 - (b) Enhancement of landscape values for Waitohu Stream (noting that proposed riparian planting around rock armour is a generic solution to a stream with high local values that is already under pressure from adjacent dairy farming and erosion control structures).
- 10.15 Given the importance the community and Council place on streams and rivers, landscape plans need to demonstrate that a high quality natural environment will be created where the route crosses waterways.

Pare-o-Matangi Reserve

- 10.16 The reserve is the physical representation of the Mangapouri Stream and has strong community, cultural and ecological values. It has been a major focus for community planting and restoration for many years. The Council is concerned that 60% of Pare-o-Matangi Reserve will be built over, requiring more culverting of the Mangapouri Stream. Potential effects include:
- (a) additional culverting of Mangapouri Stream
 - (b) changes in ground levels and impact on established vegetation
 - (c) loss of established vegetation and associated permeable ground surfaces
 - (d) possible ponding in reserve due to surrounding road and rail embankments
- 10.17 Concerns are also raised that changes in the form of the reserve raise CPTED issues for the reserve and CWB users.
- 10.18 The Council is of the opinion that existing mature exotic plantings should be retained (i.e. transferred and replanted at suitable locations within the new area of reserve).
- 10.19 The Council is concerned that landscape effects on Pare-o-Matangi Reserve are significant, even with the proposed addition of unused motel land. While Council supports the proposed mitigation and inclusion of adjacent land, these measures are on their own insufficient to satisfy the requirements for community space and stream values. Previous discussions with the community groups and the Council by NZTA have included assurances on quality of planting (e.g. provision of mature plants, etc). Appropriate conditions are needed to reflect these outcomes.

Cumulative effects

- 10.20 In relation to cumulative effects, the focus of the AEE was on the doubling of bridge structures.
- 10.21 Council is concerned that the AEE assessment of cumulative effects associated with the widening of the transport corridor (as outlined on page 49 of the AEE) has not evaluated the cumulative effects arising from vehicle movement, car lights and the change in the scale of the transport corridor. Even if the carriageway surface is at grade and is not visible, Council does not consider these effects have adequately been evaluated.

Landlocked sites

- 10.22 The provided plans show a number of landlocked sites. The ULDF notes that these should be considered during the design process but Council considers it difficult to assess effects at a local scale without a firm design for these areas that takes a holistic approach in terms of land use, ecological values and mitigation of visual effects for users of road and rail.

Construction effect

- 10.23 There is minimal assessment at this stage of effects of construction on local amenity with no discussion of: dust, noise, removal of vegetation, removal of railway line and the removal of existing overbridge north of Ōtaki, restoration of construction yards once the project has been completed, the process of removing railway line and the subsequent restoration of landscape.

Design Detail

- 10.24 Council is concerned with the limited level of detail on proposed mitigation measures (including plant selection and planting design, plant bed construction, plant maintenance and monitoring) and the reliance on mitigation in the next stage of design, guided by principles outlined the ULDF.

'The ULDF will guide the Expressway's detail design phase and will inform what needs to be done in 'avoiding, remedying and mitigating' any adverse landscape and associated environmental effects that may arise from the Project.' AEE page 65.

- 10.25 As a result, it is difficult to accurately evaluate the final landscape and visual effects of the proposal and the Council does not have confidence that the effects are appropriately identified and mitigated.

Outcomes Sought

Conditions

- 10.26 In response, the Council seeks the following outcomes:
- (a) Issues requiring further assessment/information before construction can commence:
 - (i) A more meaningful response to the landscape and visual effects of the proposal, taking in the wider transport corridor and extending mitigation beyond the area currently proposed to be designated;
 - (ii) More detail is required in the areas around river and stream crossings and associated wetlands, including restoration and enhancement;
 - (iii) More detail in the Landscape Management Plan to provide assurance that the implementation, monitoring and management of the works will result in a successful and sustainable plant community;
 - (iv) Further consultation and design to establish appropriate mitigation for future land use and land cover affected by the proposal;
 - (v) Assessment of effects associated with the widening of the transport corridor in relation to cumulative effects arising from vehicle movement, car lights and the change in the scale of the transport corridor.

- (vi) Assessment of construction effects on local amenity;
 - (vii) More detail is sought on the following specific elements:
 - flood protection landforms as the long bunding along Te Horo straights is highly visible and has no relationship to the existing landforms;
 - earthworks around and under bridges, particularly with regard to impact on existing and proposed re vegetation; and
 - restoration of natural contour of cut faces in dune areas such as Mary Crest and Waitohu Plateau;
 - (viii) Provision of specific design or management measures for Pare-o-Matangi Reserve and commitment to 'like for like' planting of mature with mature specimens where possible, including the retention and transfer mature exotic species.
- (b) Conditions requiring more details in order to deliver the Proposal's anticipated outcomes, particularly:
- (i) A specific condition (or conditions) on Pare-o-matangi reserve to ensure the additional culverting within the reserve will be appropriately mitigated, assurance that the additional land from the motel will be provided, and that any ponding effects in the reserve resulting from the surrounding rail and road embankments is addressed;
 - (ii) Conditions are needed to ensure that mitigation methodology is enforceable – for example, there is no information on plant maintenance periods which are critical to the success of mitigation planting;
 - (iii) More details on the requirements for the Landscape Management Plan to provide assurance that the proposed landscape works implementation methodology and maintenance measures are feasible and will be carried out to specific standards;
 - (iv) Provide plans for identified gateway areas; and
 - (v) KCDC approval of not only the site specific landscape plans management plans of the overarching Landscape Management Plan.

11 CYCLEWAY, WALKWAY AND BRIDLEWAY

Outstanding Issues

- 11.1 The Council notes that an off-road shared cycleway/walkway was initially proposed for this project (including a clip-on CW facility on the upstream side of the existing State Highway bridge over the Ōtaki River) but it is not now provided for. This contrasts with the MacKays to Peka Peka Expressway, for which a full shared CWB is proposed to be constructed along the entire route as an integral part of the Project, including

connections with local walkways and roads. The Council considers it is unacceptable to have such a difference in what is effectively the same road.

- 11.2 The Council emphasises that Ōtaki town is a part of the growing urban areas of Kāpiti, within and between which there is increasing demand for safe, convenient and attractive pedestrian and cycling connections.
- 11.3 The Council therefore considers it essential that the provision of a parallel off-road walkway/cycleway be made, consistent with the standards applied to the off-road walkway/cycleway provided for M2PP. This must be committed to now, rather than being left to an uncertain revocation process, and should be fully integrated with proposed cycleway/walkway to the south.

Outcomes Sought

- 11.4 In response, the Council seeks the following outcomes:
- (a) Conditions requiring more detail in order to deliver the Proposal's anticipated outcomes:
 - (i) Provision of an off-road CWB as part of the Project with final location and design to be addressed via the detailed project design (noting that the location may include areas outside the designation); and,
 - (ii) Establishment of a process for the location and detailed design of an off-road CWB along the route of the proposed Expressway, including details of local road and river/stream crossings, and appropriate minimum dimensions for non-vehicular modes, as indicated above.

12 ROADING AND TRAFFIC

Outstanding Issues

East-West Linkages

- 12.1 The Council considers it is essential that the proposed east-west connectivity is maintained through the provision of the Rahui Road and Te-Horo/School Road local road bridges over the proposed Expressway.
- 12.2 In relation to the proposed Te Horo Beach/School Road Bridge over the proposed Expressway, the Council highlights that this will be the only access for children walking and scootering to and from Te Horo School. Small children, horses and cyclists are not a good combination over a bridge of 100 metres in length. Accordingly, the Council wants an explicit direction that a footpath is constructed on both sides of this bridge.

Access onto Local Roads

- 12.3 The Council has concerns over the speed transition from the future Expressway to the local network, especially the southbound off slip to Ōtaki where it feeds onto the local road network. An appropriate condition is needed to ensure suitable speed management measures on slip road approaches to local roads.

- 12.4 The Council wishes to ensure that the service provided for by local roads that have access onto or from the proposed Expressway remains at a satisfactory level. Accordingly, the Council seeks to ensure that level of service C must be provided for the design of local roads experiencing Expressway on/off impacts.

Construction

- 12.5 In practical terms, there is a need to minimise the impact from the construction of the Project on local roads and to co-ordinate any overlapping construction activities that may occur on adjacent sections of SH1 (south or north of the project). In particular, it is critical that, during the construction of the proposed Expressway, safe, adequate and convenient facilities for local movements by all transport modes are provided (including facilities on both sides of the road for pedestrians and cyclists). Twenty four hour access also needs to be provided for all emergency services through construction work areas.
- 12.6 Accordingly, the Council wishes to ensure it has a certification function not only in respect of the approval of Site Specific Traffic Management Plans (SSTMPs), but also of the overarching Construction Traffic Management Plan (CTMP) as it does with the M2PP expressway.
- 12.7 For the CTMP, SSTMPs and associated conditions, there is a need for consistency with the principles established through the TG and M2PP approval and condition making processes.

Outcomes Sought

- 12.8 In response, the Council seeks the following outcomes:
- (a) Conditions requiring more detail in order to deliver the Proposal's anticipated outcomes:
 - (i) Ensure that the Te Horo overbridge is designed to provide for footpaths on both sides of the bridge;
 - (ii) Levels of service C on local roads affected by traffic from the Expressway;
 - (iii) Council certification of a Network Integration Plan that demonstrates how the proposed Expressway will connect with the local road network in a way that would maintain appropriate levels of services and safety; and
 - (iv) Ensure that a consistent approach to the certification of the CTMP and SSTMPs is applied in line with the M2PP project.

13 NOISE AND VIBRATION

- 13.1 The Council recognises that the project involves major construction works that have the potential to generate significant noise and vibration effects on residential dwellings and other noise sensitive activities, but some construction-related noise and vibration effects have been identified in some locations due to the route and design. The Council notes that in most cases

precautions are proposed to address the anticipated effects and to ensure that residents are reasonably protected from adverse effects.

- 13.2 However, the Council also notes that NZ construction noise standard NZS6803:1999 is proposed to be adopted by the project to assess and control noise effects from construction activities, and supports the use of this standard given the reliance placed on it in the Kāpiti Coast District Plan.
- 13.3 Regarding operational noise, the Council observes that the noise effects associated with on-going traffic should generally be of a lesser scale than those generated during the construction phase. Regardless, it would point out that unlike the temporary nature of the construction related effects those associated with on-going operation of the Expressway will be enduring.

Outstanding Issues

Construction Noise and Vibration Effects

- 13.4 Noise limits based on NZ Standard NZS6803:1999 and a requirement to prepare a detailed Construction Noise & Vibration Management Plan at the Outline Plan stage are set out within proposed conditions as the main means by which the construction noise effects of the project are to be managed. The Council notes, however, that for limited periods during the project non-compliance with NZS6803 is afforded at specific sites, and considers that such instances need to be effectively managed by methods to be included within the proposed CNVMP.
- 13.5 Construction vibration effects are proposed to be controlled in accordance with BS5228-2:2009 'Code of Practice for Noise and Vibration Control on Construction and Open Sites – Part 2: Vibration' with vibration being measured in accordance with ISO 4866:2010 'Mechanical vibration and shock – Vibration of fixed structures- Guidelines for the measurement of vibrations and evaluation of their effects on structures'. The Council observes that this differs from the designation conditions applicable to the MacKays to Peka Peka Project which required construction vibration to be assessed and managed in accordance with German Standard DIN 4150-3:1999 Structural Vibration Part 3: Effects of Vibration on Structures. In light of this the Council is of the view that the rationale for divergence needs further justification.

Operational Noise and Vibration Effects

- 13.6 As the AEE includes a reasonable amount of information on ambient sound levels it enables the current traffic noise environment in the area to be assessed. However, the Council notes that, by contrast, rail noise has only been assessed in terms of a noise level time-averaged over 1 hour (LAeq(1h)) and is of the view that this prevents a direct comparison with the 24 hour measure of ambient sound (including noise from existing road traffic).
- 13.7 The Council considers that the project is not a particularly good fit with NZS6806:2010 owing to the noise effects of the existing highway that will continue to persist in certain circumstances.

- 13.8 The approach applied in NZS6806:2010 is to discount effects on isolated dwellings, with qualification for mitigation only being where these receivers are beneath stated targets and located close together in clusters. Whilst ensuring value for money for NZTA, the Council considers that this approach unfairly discriminates against the occupiers of dwellings developed in low density patterns (for example, in rural fringe areas or lifestyle areas) compared to more dense urban environments.
- 13.9 The Council also strongly recommends that the benefits of reduced traffic along the existing route are assessed in accordance with NZS6806:2010. It notes that traffic reductions afforded by the project on the existing SH1 route exceed 50%, and consequently considers that the NZTA benefit-cost analysis of the selected route needs to take into account the benefit received by those PPFs affected by noise from the existing road that experience a reduction in traffic. However, it is currently unclear whether these benefits have been adequately considered in the project design and selection of the preferred route and is therefore a matter that requires further clarification.
- 13.10 The Council notes that the main mitigation measure proposed entails laying an open graded porous asphalt (PA-10) low noise road surface over a limited stretch of the new road (1,050 metres of the new route through the Ōtaki Township, from chainage 01300 to 02350).
- 13.11 Regarding potential traffic-induced vibration effects, the Council notes that the assessment undertaken for the project indicates that vibration does not represent a potential adverse effect as it will only be received at low levels and that it will not interfere with any normal domestic activities in PPFs. However, as no quantitative assessment has been included in the project documentation the Council is strongly of the view that the current assessment is difficult to justify.
- 13.12 The Council notes that no operational vibration limits are included within the proposed designation conditions, and considers that this omission needs to be rectified through requiring traffic induced vibration to be investigated and reported on where these effects arise during the operation of the new route.

Rail Noise and Vibration Effects

- 13.13 As it is anticipated that two locations (Ōtaki Motel and 230 Main Highway) will experience significant increases in rail noise due to the alignment being sited closer to these receivers, the Council is concerned that no corresponding mitigation is proposed and considers that this needs to be rectified. In saying this it is noted that the AEE refers to achieving indoor noise criteria for these properties based on building-modification mitigation such as mechanical ventilation and potentially updated glazing.
- 13.14 Rail vibration criteria have been adopted for the purposes of the project based on KiwiRail's reverse sensitivity guidelines. These include reference to Norwegian Standard NS 8176 for vibration criteria which is the same standard as adopted for vibration from road traffic. The NZTA documentation states due to improved vertical alignment and new ballast (Section 4.4.2), rail-induced vibration levels for a given distance are predicted to be lower with the realigned railway. However, the Council notes that no assurances are given regarding compliance with the nominated rail vibration criteria which is set out in Table 2.3 as 0.3 mm/s $v_{w,95}$ Class C limits from NS

8176E:2005 and is concerned that no corresponding conditions concerning rail vibration are proposed.

Outcomes Sought

13.15 In response the Council seeks the following outcomes:

- (a) Issues requiring further assessment/information before construction can commence:
 - (i) The use of NZ Standard NZS6806:2010 as the basis of the assessment of traffic noise needs to be further evaluated in order to determine whether or not operational noise effects have been adequately assessed, and whether the proposed mitigation is appropriate;
 - (ii) Use of NZ Standard NZS6806:2010 needs to be evaluated against the views expressed by previous Boards of Inquiry in recent decisions relating to roading projects in the area (i.e., Transmission Gully, Mackays to Peka Peka);
 - (iii) Consideration needs to be given to whether the Kāpiti Coast District Plan provisions relating to noise from new roads may be applicable and appropriate than NZS6806:2010 in certain circumstances;
 - (iv) Noise assessment should be enhanced to include the estimated 24 hour rail noise levels for the future design year, for relevant receiver locations by including information on actual and forecast potential future frequency of rail movements on the NIMT line;
 - (v) The benefit from reduced noise associated with the current State Highway 1 does not appear to be demonstrated in any meaningful way and further investigation should be undertaken and supporting information provided;
 - (vi) The noise assessment methods used in the application are based around protecting PPFs as distinct from property. There are potential noise impacts on amenity within public and open space areas which are not considered by the NZS6806:2010 and these effects must be appropriately mitigated;
 - (vii) It is unclear whether the assessment considers all sensitive areas and recognises local expectations and recreation areas;
 - (viii) Further assessment should be undertaken of the adverse effects of construction and operational noise on local amenity values.
- (b) Conditions requiring more detail in order to deliver the Proposal's anticipated outcomes:
 - (i) Road pavement should be maintained to avoid vibration effects on adjacent buildings;
 - (ii) Properties located 100-200 metres from the alignment may experience significantly increased operational noise levels and provision should be made in conditions for appropriate mitigation;

- (iii) Appropriate provision should be made in conditions to mitigate the significant rail noise effects on the Ōtaki Motel and 230 Main Highway;
- (iv) Class C of Norwegian Standard NS8176.E:2005 (Vibration and Shock – Measurement of vibration in buildings from land-based transport and guidance to evaluation of its effects on human beings) should be achieved in relation to an expert report prepared following any complaints being received as a result of discernible vibration attributable to rail movements or traffic on the Expressway;
- (v) Monitoring of noise and vibration at properties up to 200 metres from the alignment should be undertaken once the Expressway is operational, with mitigation to be provided where a need is identified;
- (vi) Proposed conditions need to be modified where any shortcomings in the project's management of noise are identified through the further assessments sought.

14 ECONOMIC EFFECTS

Outstanding Issues

- 14.1 The Council is very concerned that there will be immediate economic effects as a result of the disruption caused both during construction of the new route around the Ōtaki town, and the new bridge across Rahui Road, as well as a result of the bypass itself when it comes into operation. This impact needs to be mitigated and assistance provided to the town, particularly during the construction phase of the project.
- 14.2 The application accepts that there will be economic effects generated by removing through traffic on current State Highway 1, particularly on the retail and service activities at Ōtaki Railway and Te Horo. While the split interchange design at north and south of Ōtaki will assist in encouraging some traffic to divert from the Expressway (supported by appropriate signage), the bypassing of these towns will have a significant impact on many businesses and therefore could detrimentally affect the vitality and vibrancy of these centres.
- 14.3 The economic analysis provided in the application acknowledges that there will be economic effects but that local effects will be traded off against regional and national economic benefits of the RoNS as a whole. This leaves actual local economic effects significantly unaddressed.
- 14.4 The Council notes that the economic assessment of the proposed Expressway did not include loss of productive soils resulting from the construction of the Expressway, 77% of which will be on the most versatile and productive soil types, Class I to III.

Outcomes Sought

- 14.5 In response, the Council seeks the following outcome:

- (a) provision of adequate mitigation relating to the economic effects on Ōtaki during construction, and of bypassing Ōtaki.

15 SOCIAL EFFECTS

Outstanding Issues

Impacts on Residential Amenity

- 15.1 The Council highlights that many people have moved to the area to enjoy the rural character it provides and the quality of rural amenity values.
- 15.2 Section 7(c) of the RMA requires the maintenance and enhancement of amenity values. The Council notes that the assessment of amenity impacts is spread over a number of disciplines and assessments with the overall result that assessment of the effects is diluted, particularly with regard to the cumulative individual resident effects. In terms of visual amenity, the Council considers that the effects of the Expressway have been underestimated. Given that the Expressway is proposed to be sited on open rural land, it is highly likely that it will be visible from many adjacent properties.
- 15.3 The Council notes that some areas along the route will be experience cumulative effects due to the loss of views, changes in immediate landscape, noise, lighting, shading, loss of privacy, shading/loss of sun, and loss of connectivity. The Council also notes the lack of detailed assessment of visual amenity impacts on clusters of affected properties, and considers that further assessment is required to determine the extent of the loss of existing views, the impact of short-term construction views (for up to 24 months) and impact of views towards the Expressway including noise bunds (particularly the back side of bunds), fences and vegetation.

Construction Impacts

- 15.4 The Council observes that loss of amenity during the construction period will be disproportionately experienced by a small number of residents, some of whom will also be subject to a range of long term construction effects including loss of views during pre-loading, noise and environmental quality (such as a reduction in air quality during construction, movement of material during pre-loading). The Council is strongly of the view that the impact on these residents needs to be rectified through the imposition of relevant conditions.

Community Impacts

- 15.5 The Council considers assessment of the social effects of the Project was at best minimal, with little detail provided on the numbers and characteristics of those communities and households most directly affected (such as those whose properties is being acquired, compared with those within 200 metres of the alignment). It also notes that there is a paucity of detail regarding the scale of these effects and how they were weighted and evaluated.

Outcomes Sought

- 15.6 In response, the Council seeks the following outcomes:
- (a) Issues requiring further assessment/information before construction can commence:
 - (i) Further assessment needs to be undertaken to identify the specific visual impact on residents and the resultant amenity and visual amenity effects arising from such matters as loss of views, changes in immediate landscape, noise, lighting and shading.
 - (b) Conditions requiring more detail in order to deliver the Proposal's anticipated outcomes:
 - (i) Identification of areas in the LMP where specific screen planting is required in order to avoid or mitigate effects on residents;
 - (ii) Establishment of a community liaison process and associated liaison group (CLG) which has the capacity to monitor change and inform necessary adaptations, particularly where potential adverse effects are anticipated (e.g. noise, severance, way of life);
 - (iii) Maintenance of the CLG for a minimum period of 12 months into the operation of the project, and ensuring that it has the technical capacity to adequately monitor the social impact of the project and to undertake appropriate community development activities; and
 - (iv) Establishment of an appropriate monitoring framework that includes monitoring directly affected properties closest to route (i.e. 230 houses within 200 metres of centre alignment and those on construction traffic routes and Waitohu School) and along Old Hautere Road.

16 CULTURAL / TANGATA WHENUA

Outstanding Issues

- 16.1 The Council acknowledges that NZTA has established an ongoing relationship with Ngā Hapū o Ōtaki and considers it essential that this relationship is maintained during the development of detailed design and in the construction of the proposed Expressway. Ngā Hapū o Ōtaki need to be positioned prominently within the decision making process, as partners and not stakeholders.

Outcomes Sought

- 16.2 In response, the Council seeks the following outcomes:
- (a) Conditions requiring more detail in order to deliver the Proposal's anticipated outcomes:
 - (i) Provision for iwi participation in the Project and involvement in associated decision making from this point through to construction.

17 SEDIMENT CONTROL AND EROSION

- 17.1 The Council considers that the approach to erosion and sediment control outlined in the ESCP is generally good (for example, acknowledged shortcomings of USLE, assumed 80% efficiency of devices), but would observe that the assumed efficiency rate of devices may be slightly ambitious given the unlikelihood that this rate will be consistently achieved across all the devices selected.

Outstanding Issues

- 17.2 The Council considers that all areas susceptible to erosion and sediment deposition should be identified (for example, wetland areas and ecological sites) and be linked more directly to ecology through the EMP. Further, it considers that it would also be helpful if these areas were correlated with the catchment references contained in Tables 10 and 11 of the ESCP and a corresponding plan produced that illustrated their respective catchment areas and the mitigation proposed.
- 17.3 The Council notes with respect to the SSEMP that it still appears to be focused at a very high level regarding erosion and sediment control and considers that further information regarding the specifics of such controls and procedures for mitigation/avoidance should be included or appended.
- 17.4 The Council also notes that specific detail regarding contaminated sediment/water is absent in the ESCP and considers that reference to contamination issues in the plan would be helpful, including, where possible, contaminated sites being clearly identified on a plan.

Outcomes Sought

- 17.5 In response the Council seeks the following outcomes:
- (a) Issues requiring further assessment/information before construction can commence:
 - (i) Identification and mapping of all areas susceptible to erosion and sediment deposition;
 - (ii) Inclusion of details regarding proposed erosion and sediment control and associated procedures for mitigation/avoidance in the SSEMP;
 - (iii) Inclusion of appropriate references to contamination issues in the ESCP, including, where possible, contaminated site identification.

18 CONTAMINATED LAND

- 18.1 The Council notes that preliminary assessments have been undertaken at 5 sites identified as having the highest potential for contaminated soils along the proposed expressway alignment, and that a draft BECLMP has been prepared to provide a framework to manage contaminated soils encountered during project construction.

- 18.2 Overall, the Council supports the proposed approach to contaminated land management as it is of the view that it provides a relatively robust framework for managing any potential adverse effects. However, this support is conditional on the following;
- (a) Although there is a generic comment in the BECLMP regarding reporting against the NES for Assessing and Managing Contaminants in Soil to Protect Human Health, the Council considers a general section on reporting needs to be included in the plan as the NES requires Council to be provided with reports within 1 and 3 months of completion of activities relating to removal of fuel storage systems, or change of land use of contaminated or potentially contaminated land respectively;
 - (b) In the event that any contaminated fill is proposed to be reused it is the Council's expectation that this will be managed to international best practice standards; and
 - (c) As the Contaminated Soils and Groundwater Management Plan is a living document that will require updating (with the necessary approval) throughout the project, the Council considers that it should assume a role in this process together with GWRC.

Outcomes Sought

- 18.3 In response the Council seeks the following outcomes:
- (a) Issues requiring further assessment/information before construction can commence:
 - (i) Inclusion of a general section in the BECLMP regarding reporting against the requirements of the *NES for Assessing and Managing Contaminants in Soil to Protect Human Health*.
 - (b) Conditions requiring more detail in order to deliver the Proposal's anticipated outcomes:
 - (i) Ensure that the Council assumes a role in the on-going monitoring of contamination effects; and
 - (ii) Reuse of any contaminated fill to be managed in accordance with international best practice standards.

19 EFFECTS ON COUNCIL'S UTILITIES

Outstanding Issues

- 19.1 The Council is concerned to ensure that construction of the proposed expressway does not impinge of the efficient and effective delivery of utilities and services within this area of the Kāpiti Coast or preclude it from providing these to future ratepayers.

Outcomes Sought

- 19.2 In response the Council seeks the following outcomes:
- (a) Conditions requiring more detail in order to deliver the Proposal's anticipated outcomes:

- (i) Ensure that existing services, including water supply, are able to function properly during construction of the expressway and once it is operational;
- (ii) Provision of sufficient space along the expressway to enable the Council to satisfy current and future infrastructure requirements;
- (iii) Ensure that the construction and operation of the expressway avoids adversely affecting the Council's water supply bores; and
- (iv) Ensure that Council infrastructure that traverses the expressway will either be replaced or a suitable alternative provided prior to, or at the time of, construction.

20 STATUTORY PLANNING

- 20.1 The Council generally considers the current policy framework (collectively provided through the District Plan, the Regional Policy Statement, and national planning instruments) establishes an appropriate reference by which many of the effects of the Project, positive and adverse, can be assessed to determine its consistency with the purpose and principles of the Resource Management Act.
- 20.2 The Council notes and agrees with:
- (a) NZTA's broad identification of documents that are relevant to the assessment of effects on the environment under sections 104 and 171 of the Resource Management Act 1991 (RMA);
 - (b) The NZTA's assessment of the Proposal in relation to the National Policy Statement for Freshwater Management 2011 (NPSFW) and National Policy Statement for Electricity Transmission 2008 (NPSET);
 - (c) NZTA's assessment of the proposal in relation to the National Environmental Standards (NES) for Air Quality, Sources of Drinking Water, and Electricity Transmission Activities; and
 - (d) The NZTA's assessment of the proposal against the Wellington Regional Policy Statement (WRPS).
- 20.3 The Council notes, however, that the assessment of the effects against the District Plan's policy framework is based on the formulation of effective conditions. At this stage, the Council does not consider that the conditions, in their entirety, provide a suitably comprehensive or effective structure for avoiding, remedying or mitigating the effects of the proposed Expressway.
- 20.4 The support of the Council for the Project is largely conditional on the adverse effects being managed by appropriate, robust, certain and enforceable conditions that achieve the outcomes sought in this submission, which will in some cases require amendment to conditions as currently proposed. The Council considers that its planning concerns are capable of being addressed through the Board of Inquiry process, and it will engage constructively with the NZTA to help resolve its outstanding issues.

Outstanding Issues

- 20.5 The earlier sections of this submission discuss gaps in or differing conclusions in relation to various aspects of NZTA's assessment of effects of the Proposal. Given that NZTA's planning assessment of the Proposal (against Part 2 of the RMA and the relevant national and regional statutory planning documents) relies on its assessment of effects, any updated conclusions about the effects as a result of the matters raised in this submission will need to be carefully applied to the planning assessment.
- 20.6 As noted, the Council expects that changes to conditions, including those changes sought in this submission, should be able to resolve any issues identified through this planning assessment.
- 20.7 The final planning assessment will need to be satisfied that the changes in conditions or any new conditions are sufficient to address the following key policy matters:
- (a) The maintenance of the vitality and vibrancy of the Ōtaki town centre and its quality as an urban environment for the residents, given the economic effects that will arise during construction and when the proposed Expressway comes into operation;
 - (b) The avoidance of the exacerbation of flooding hazards and degraded water quality through stormwater disposal;
 - (c) The maintenance of rural character and amenity values through changes to the landscape, the visual impact, and the effects of noise, light and traffic movement;
 - (d) The protection of the District's indigenous biodiversity, including its significant indigenous vegetation and significant habitats of indigenous fauna; and
 - (e) The provision for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other tāonga.
- 20.8 The application's statutory assessment appears to assume that if effects are managed as set out in the management plans and conditions, that this will ensure consistency with the objectives and policies of the District Plan. As stated above, the Council is not yet satisfied that the quality and efficacy of the final design and mitigation measures will be achieved by the current set of conditions. In particular, the Council seeks the assurance that can be provided by having stronger involvement in the key aspects of the Project design and construction.

Outcome sought

- 20.9 The Proposal needs more careful and detailed assessment against the planning documents and RMA Part 2 provisions noted above once gaps and issues with the effects assessment are resolved, with consequent design changes and conditions where necessary to reflect this assessment.

21 CONDITIONS

Outstanding Issues

- 21.1 Throughout this submission the Council has sought outcomes in relation to specific topics that involve the inclusion of or amendment to certain conditions. The Council does not reproduce these requests here, but reiterates their importance. The Council considers that the planning matters discussed above support the need for these new or amended conditions.
- 21.2 The Council recognises that some flexibility is necessary, but is concerned that the draft conditions allow too much flexibility and therefore leave too much uncertainty.

Outcomes sought

- 21.3 The Council seeks amendments to the conditions to provide certainty that the outcomes indicated in the application and AEE will in fact be implemented and will not be compromised during the construction phase and its subsequent operation.
- 21.4 These amendments will likely include providing more detail in the conditions about the outcomes to be sought in the detailed design and construction of the proposed Expressway, and the provision of greater Council involvement in relation to the design process and the finalisation of management plans.
- 21.5 The Council reiterates its request for appropriate conditions to address its outstanding concerns raised in this submission.
- 21.6 The Council also seeks such consequential changes to conditions that are rendered necessary by the outcomes sought by the Council.