

CE

Our ref: 73PN-G

18 September 2002

Mr Mark Dacombe
Chief Executive Officer
Kapiti Coast District Council
Private Bag 601
PARAPARAUMU



11-10-8-5

RECOMMENDATION OF THE KAPITI COAST DISTRICT COUNCIL
ON NOTICE OF REQUIREMENT TO ALTER THE DESIGNATION
FOR TRANSIT NEW ZEALAND AT
VENTNOR DRIVE/NIKAU PALM ROAD,
STATE HIGHWAY 1 PARAPARAUMU

I have considered the recommendation including the proposed conditions as set out in the report dated 9th September 2002.

Under section 172 of the RMA 1991 Transit New Zealand is required to notify the Council of its acceptance, rejection, or acceptance with modification of the Councils recommendations.

Transit New Zealand accepts the recommendations in their entirety.

I would be grateful if you could forward a copy of the letter you send to the submitters notifying them of Transit's decision to Howard Cheadle at Montgomery Watson Harza, PO Box 0624, WELLINGTON.

Yours faithfully

A handwritten signature in black ink, appearing to read "Brian Hasell".

Brian Hasell
REGIONAL MANAGER

Report of the Hearing Commissioner: Cr Paul Drake

**APPLICATION FOR NOTICE OF REQUIREMENT TO ALTER AN
EXISTING DESIGNATION UNDER SECTION 181 OF THE RESOURCE
MANAGEMENT ACT 1991: RM 010202**

Date of Hearing

Friday, 2 August 2002

Applicant: Transit New Zealand

Location: The land in the vicinity of the junction of Ventnor Drive, Nikau Palm Road and State Highway 1 and the entry into Lindale International Tourist Resort and Whitireia Polytechnic.

LEGAL DESCRIPTION: Local Authority Road (Kapiti Coast District Council)
Lot 1 DP 60577 (Lindale Lodge Motels)
Lot 1 DP 81548 (Lindale International Resorts Ltd)
Part Muaupoko B M2 820 (Mahaki Holdings Ltd)
Lots 1 & 2 DP 2183 (Mahaki Holdings Ltd).

Reporting Officer: Andrew Guerin, The Planner, Kapiti Coast District Council

Applicant: Lindsay Daysh: Transit New Zealand (TNZ)
Jonette Adams: Project Manager. TNZ
Barry Wright: Consultant Team Leader Montgomery Watson Harza Ltd. (MWH)
Howard Cheadle: Consultant Planner, MWH

INTRODUCTION

Traffic Environment

The project comprises of an 850 metre section of SH 1 located north of Paraparaumu. It extends from the Lindale complex at the north, to the 50kph speed limit sign just south of the Caltex petrol station, at the south. There are three significant access points to the highway in the project area. Ventnor Drive, Nikau Palm Road and the entrance to the Lindale complex and Whitireia Polytechnic.

SH1 to the north of the project comprises of three lanes (one being a northbound passing lane) controlled by a 100kph speed limit. To the south of the project there are two lanes controlled by a 50kph-speed limitation.

The existing highway generally comprises of two 3.5m lanes with 1m sealed shoulders and is without median separation. There are right turn bays in the median for traffic turning into Ventnor Drive, Nikau Palm Road and the Lindale complex. The horizontal geometry of this section is straight but with some vertical curvature.

Crash Record

In the five-year period, up to and including 2001, there was a total of 54 reported vehicle crashes. Three caused fatalities, six caused serious injury, five caused minor injury, and there were 40 non-injury crashes. The principal factor in the crash record involves manoeuvres around the intersections. Over 30% of the crashes were caused by right turn manoeuvres at the intersections, with a further 26% of the crashes being rear end crashes on State Highway 1, as vehicles slowed down at the intersections.

The project area has a significant crash record, which is likely to get worse as traffic volumes increase both locally and on SH 1.

Traffic Growth

The annual average daily traffic volume on SH 1 (2000), measured north of the Lindale Complex was 23,800 vehicles per day with a measured growth rate of 3%. This is a high volume of traffic for a two lane highway.

It is considered that in the short term there will continue to be significant growth in traffic at this section of SH 1 arising from:

- A significant increase in local traffic with the ongoing population growth that is occurring on the Kapiti Coast.
- An increase in tourism leading to higher numbers of visitors to the Lindale complex and motels.
- Further development of the Nikau Palm's subdivision.
- Expansion of the Whitireia Community Polytechnic.
- Possible expansion of the Lindale complex.
- Development of Wellington as a major tourist destination.
- The possibility of a Railway station at Lindale on an extension of the electrified line to Waikanae.

In the longer term the construction of the Western Link route between Paraparaumu and Waikanae will result in a reduction in traffic growth on this section of SH1, but it is not expected that actual volumes will decrease significantly for any length of time when that link is constructed.

NOTICE OF REQUIREMENT

The Kapiti Coast District Council ("the Council") received the following application for a notice of requirement for a designation under section 168 of the Resource Management Act 1991 ("the Act") on 25 July 2001. This was revised on 4 April 2002:

Notice is given of a requirement for a designation for an alteration to the existing designation G0101 State Highway Purposes, as set out in the Kapiti Coast District Plan, for:



A project or work to construct, operate, maintain and repair road forming part of State Highway One and the carrying out of ancillary works and activities (the notation for which is "State Highway Purposes").

The Applicant, Transit New Zealand ("TNZ") is a requiring authority pursuant to section 166 of the Act.

Resource consent applications for earthworks, water, discharge and landuse activities were made to the Wellington Regional Council ("the WRC"). The decision of the WRC is contained in a separate report.

SUBMISSIONS ON THE NOTICE OF REQUIREMENT

Council received six submissions in relation to the application for the notice of requirement for a designation.

Of the submissions received three were in support (Mrs. Brunoro, Lindale International Resort Ltd and Philip Butler) and two were in opposition (Mich Orr, the lessee of the motor park/camping ground and M Kerse, the lessee of Lindale Motor Lodge, Motel Conference Centre). One submitter (Natural Gas Corporation) was neutral. Mrs. Brunoro's submission in support of the Notice was conditional with concerns over drainage and associated maintenance.

Issues Raised

Mrs. Ruth Brunoro is concerned about drainage off SH1 into No. 17 & 27 SH1. She requested that the two drains be maintained. Currently only the drain on No. 17 is being maintained. Mrs. Brunoro requests that the drain in the gully at No. 27 SH1 also be maintained and cleaned regularly

Lindale International Resort Ltd submitted that the proposal, which includes the construction of an underpass, would:

- significantly enhance vehicular access to and from State Highway 1 and facilitate the likely future extensions to Ventnor Drive;
- alleviate pressure on traffic movements in Paraparaumu Central (including the intersection of SH1 with Kapiti Road)
- improve safety, particularly at those transitions to and from State Highway 1. In particular the proposed works would promote safe access to and from the Lindale complex.

Mr. Mich Orr submitted that:

- more land is being taken than is required
- inadequate signage provision
- not in the public interest - allocation of public funds
- loss of trade during and after construction and
- people will not know where or how to get to the campground.

Mr. Orr requested the Council to decline all aspects of the application.

Mr. Michael Kerse submitted that:

- The Council does not have authority to make a decision on this proposal without the consent of the lessee. The land will firstly need to be acquired under the Public Works Act
- the proposed roading layout will take away a large area of land that is the first open space seen when leaving Paraparaumu. The roading layout can be redesigned so that less open space land is taken away
- the loss of the open space will seriously reduce the amount of business from companies and weddings
- business sign is currently in a prominent position and illuminated at night. The proposal places sign in less prominent area
- approval of the designation will result in a higher density of landuse on neighbouring land
- if existing access is temporarily closed, wishes to have it reinstated where it currently is
- the traffic flow figures stated are incorrect.
- it is not in the public interest to spend public money for a project that does not meet the cost/benefit ratio
- concerns about two private contributors who will reap the major benefit
- there is no public benefit in being able to access Nikau Valley and Lindale Tourist Complex
- increase in noise will impact seriously on private accommodation as well as guests
- road will affect native birds that live on the property and the pond to the north

Transit New Zealand's Response to Submitters

Council notes that Mr. Mich Orr, by way of letter through his legal representative Mr. Jaques, advised the Hearing Committee that he no longer wished to proceed with his objection. Council notes that TNZ agreed "to erect a temporary sign in specified locations during construction as per their attached letter dated June 2002."

Traffic Flow Figures

Mr Kerse submitted that the quoted traffic flow figures are incorrect, and that he will produce figures to the Hearing that show the number of vehicles Transit claim pass MacKays Crossing, and the number that pass Ventnor Drive, are inconsistent, and therefore one set of traffic flow figures must be incorrect.

Council notes that Mr. Kerse did not produce figures to the Hearing Committee.

TNZ submitted in response that the official traffic flow figures for the Wellington Region were for the years from 1992 to 2000. The figures are consistent with the figures quoted for both MacKays and Ventnor Drive projects.

TNZ noted that the traffic flows at MacKays and Ventnor Drive are effectively the same, (AADTs of 23,700 and 23,800 respectively in year 2000) and that it might be expected that the traffic flows north of Paraparaumu would reduce because of the Wellington commuters from Paraparaumu. However, in reality, this theoretical reduction is compensated for by the local traffic between Waikanae and Paraparaumu.

Public Funds

TNZ submitted that the economic analysis for the project has been carried out in accordance with the procedures specified by Transfund New Zealand in their Project Evaluation Manual. The analysis has been peer reviewed by an independent consultant and confirms that the project is economically justified with a benefit-cost ratio (BCR) over 4. Projects with a BCR in excess of 4 are currently considered acceptable in terms of being included for funding consideration.

There are separate agreements for financial contributions from other parties but these have been excluded from the economic analysis and are considered to be a separate financial issue. Further to this, the land required for the project has been valued in accordance with the procedures for valuation defined under the Public Works Act and this value has been used in the economic analysis.

Loss of Business

TNZ submitted that the mitigation works proposed, in particular the mounding in front of the motel addresses the concerns. TNZ do not see his business being harmed by the project and as the access to his commercial premises will be substantially improved and it will make it easier for vehicles to enter and leave SH 1 in order to access his premises.

Visual Effects.

TNZ submitted that the existing road level of State Highway 1 will remain the same. The access and local roads are to be lowered to form an underpass under State Highway 1. The overall impact on the natural character of the landscape either side of this section of State Highway 1 will be minor. There will be local impacts most noticeably in the area to the east of State Highway 1 where the designated rest area is located, and immediately in front of the Motel.

TNZ has proposed mitigation measures in the form of landscaping to the east of State Highway 1 and mounding and landscaping in the vicinity of the Motel. The details of the overall landscaping scheme are yet to be determined and what is shown is indicative only.

The purpose of the mounding is to help acoustically screen the Motel while still maintaining visibility from traffic passing along State Highway 1.

Natural Environment

TNZ submitted that the environment is made up of pasture, roadside verge, watercourse and drains, including a water-filled drainage pond with an overflow drainage pond as part of a wider drainage system. There is planting along the



roadside verge, a sporadic group of Nikau Palms, and a grassed open area in front of the Motel.

The Palms are protected and are retained as part of the road scheme. There are no substantial alterations to the drainage courses or the pond and overflow pond. The wider environment, and aquatic life has been assessed.

In summary, such environmental effects as are generated by the projects are capable of mitigation by the measures included in the scheme. There are temporary construction effects, and these also are capable of mitigation by the methods being proposed.

Property Related Effects

TNZ submitted that the project has to be assessed on the basis of the RMA and what environmental, social, cultural and wider economic effects the project has. The most difficult effect to assess is the impact on the Motel business during and after construction.

The Motel contributes to the local economy directly, and indirectly by encouraging tourists to stay in the area and spend money at such places as the Lindale Complex and the local shopping centres. TNZ submitted that with an efficient and safer access to and from State Highway 1, making it easier for tourist traffic to access both the Lindale complex, and the Motel, there is a potential for increased business.

Traffic Noise Assessment

TNZ submitted that the new local road between the roundabout and Ventnor Drive crosses the existing Lindale Lodge motel property will reduce the area of land in front of the motel and bring local traffic closer to the motel. There is the potential for an increase in noise from local traffic.

Council notes that Transit's proposed mitigation scheme was accepted by the owner and previous lessee of the motel. The mitigation includes constructing a new access, and a landscaped earth mound in front of the motel. The landscaped earth mound was designed to act as a noise barrier, while still maintaining motel visibility from the highway, as this was considered to be commercially desirable. Discussions have been held with Mr Kerse resulting in minor changes being made to the entrance. These changes were incorporated in the drawings submitted by TNZ.

A report prepared by Malcolm Hunt Associates (Noise & Environmental Consultants) assessed the current and future traffic noise levels at the Lindale Lodge, Motel and Conference Centre.

This assessment specifically considered the potential increased traffic noise received at the Lindale Lodge, Motel and Conference Centre due to the construction of a proposed new access road. The objective of the report is to assess the change in future traffic noise levels compared to current day traffic noise levels.

The traffic noise impact assessment has been based on traffic flow data provided by the projects traffic engineer from Montgomery Watson. The following qualifications were made;

- A standard value of 23,800 vehicles per day has been used to quantify the traffic flow for State Highway One

- A standard value of 1,300 vehicles per day has been used to quantify the future traffic flow for the proposed new access road
- A chip seal road surface has been assumed for State Highway One and the access road
- An average road gradient of 5 percent has been assumed for the access road.
- Proposed earth bunding has been factored into the calculations based on expected modest performance
- The above values plus assigned percent heavy vehicles, distances and speed were used to predict the 24-hour (Leq, CIBA) average sound levels received at the Lindale Lodge

The predicted results show no significant increase will occur in terms of the overall Leq (24 hour) traffic noise level received at the Lindale Lodge, Motel and Conference Centre following the construction of the proposed access road. The Conference Centre is expected to receive a minor increase of +0.2 ~A (Leq) and the Motel an increase of +0.1 (BA (Leq) following the construction of the proposed access road. No significant change in overall 24 hour noise levels, although some impact over current levels is expected where individual noisy vehicles pass by or when unusual vehicle sound occur.

STATUTORY REQUIREMENTS

Section 168 and Form 12 of the Act sets out the matters a Notice of Requirement must address. These matters are set out in detail in TNZ's application and were further addressed by TNZ during the Hearing.

Description of the Requirement

The Requirement will allow the construction of a new underpass and a grade-separated intersection and will involve the following works:

- *Widening the highway to create an additional lane for north bound traffic from the proposed underpass to the existing passing lanes north of Lindale International Resort*
- *Construct an access road heading north off Ventnor Drive leading to a new intersection to provide access to Lindale Lodge Motels, Whitireia Polytechnic and Lindale International Resort*
- *Construct an underpass (grade separation) under SH1 linking Nikau Palm Drive and Ventnor Drive*
- *Construct an access road off Nikau Palm Drive (heading north) to service properties adjacent to the highway*
- *Construct on and off ramps to Nikau Palm Drive for southbound State Highway traffic.*



Nature of the Proposed Work

TNZ propose to build the underpass and new access roads in three stages.

Stage 1 will include the construction of a new entranceway to Lindale, which will allow an early closure of the existing entranceway if the internal road to the north within Lindale International Resort ownership is completed at the same time. A concrete island at the new entrance will not be built until the completion of Stage 3. This will allow both north and south bound traffic to enter and exit throughout the construction period.

Stage 2 will include the construction of the overbridge structure and access roads on both sides of the Highway. This will include the construction of an earth bund to reduce the noise and visual effects to Lindale Lodge Motel. Temporary bypasses will also be created to allow for the construction of the overbridge and access to the camping ground.

Stage 3 includes the excavation and construction of underpass roading and associated drainage works. The underpass has been designed to allow for a widening of SH1 to four lanes. Pedestrian and cyclist services have been provided to cater for students attending Whitireia Polytechnic.

Projected Project Outcome

Council agrees with the projected project outcomes as submitted by TNZ. Council agrees that the proposal provides substantial benefits in both highway safety and efficiency, in particular:

- The provision of grade separation will remove right turn movements into and out of Ventnor Drive, Nikau Palm Road and the access to the Lindale complex and Whitireia Polytechnic. This will eliminate the potential for right turn crashes, reducing the crash record in this area.
- The provision of a median barrier will eliminate the potential for head on crashes over this section of highway.
- The provision of an acceleration lane into the existing passing lanes for northbound traffic from Lindale, will provide traffic efficiencies and also enhance safety.
- As a consequence the proposed project will achieve Transit's objectives of improved safety for state highway traffic and also for access into and out of properties and local roads in the Lindale area.

Consultation

The Planner stated that TNZ undertook extensive consultation as noted in their application. The Planner considered that consultation undertaken had been fairly comprehensive and on going. In particular, the Planner notes that consultation has been undertaken with Wellington Regional Council with regard to the Regional Land Transport Strategy and the NZ Police in relation to the weigh station (which will be removed and shifted to another location yet to be determined).

It is noted that TNZ has agreed to the signage requested by Mr. Kerse. It is further

noted that TNZ had already provided compensation to the previous lessee of Lindale Motor Lodge, Motel Conference Centre.

TNZ submitted that before construction can commence, it is necessary to have clear title to all those parts of property required to carry out the works. TNZ are a Crown Agency therefore all property purchase negotiations are through the provisions of the Public Works Act 1981. All of the property required has clear title with the exception of the leasehold interest of the land required in front of the Lindale Lodge Motel. TNZ state that there is uncertainty regarding the title to this land and is subject to a reserved judgement of the District Court.

TNZ stressed that the issue of property compensation under the Public Works Act fall outside the matters Council is required to consider under the Act in the determination this application.

It is noted that consultation with Te Ati Awa ki Whakarongotai Inc was undertaken by Transit NZ. The Planner states that feedback was generally supportive subject to consideration being given to long-term effects of run-off from the road to streams and ultimately to the Waikanae estuary.

SECTION 171 OF THE ACT

Section 171 (1) of the Act sets out the matters, which the territorial authority has to consider in making a recommendation to the requiring authority:

- (1) *Subject to Part II, when considering a requirement made under section 168, a territorial authority shall have regard to the matters set out in the notice given under section 168 (together with any further information supplied under section 169), and all submissions, and shall also have particular regard to—*
 - (a) *Whether the designation is reasonably necessary for achieving the objectives of the public work or project or work for which the designation is sought; and*
 - (b) *Whether adequate consideration has been given to alternative sites, routes, or methods of achieving the public work or project or work; and*
 - (c) *Whether the nature of the public work or project or work means that it would be unreasonable to expect the requiring authority to use an alternative site, route, or method; and*
 - [(d) *All relevant provisions of any national policy statement, New Zealand coastal policy statement, regional policy statement, proposed regional policy statement, regional plan, proposed regional plan, district plan, or proposed district plan.*

Part II Of The Act

Part II of the Act sets out the purpose and principles of the Act. Consideration of the matters under the Act must have regard to the underlying purpose of the Act, which is to promote the sustainable management of natural and physical resources.



Section 5

Section 5 of the Act sets out this purpose and defines "sustainable management".

The Planner submitted that the project is consistent with the purpose of the Act as the project provides for the social, economic and cultural wellbeing of the community and for people's health and safety.

The Planner submitted that the project, in addition to providing for the safety of users of this section of highway would also improve the efficiency of the highway by reducing traffic congestion and consequential delays. The Planner considered that the project would help to mitigate the adverse effects of vehicle emissions on the air quality, by improving the through-flow of traffic thereby avoiding inefficient fuel combustion.

TNZ submitted that "[t]he delays and accidents caused by the poor road alignments are affecting the efficient use of this resource, and the social and economic wellbeing of the community."

Council agrees that the objective of the work is to provide a safer section of state highway, which Council recognises as a physical resource of national importance. Council further agrees the project will improve the economic and social wellbeing of the community and is satisfied the project is consistent with the purpose and principles of the Act.

Section 6

It is noted that there are no district or regionally outstanding landforms or significant landscapes. The project will impact on one of the Nikau Palms, which will be located elsewhere within the site. Additional measures have been proposed to ensure that the population of Nikau Palms in the area does not suffer

The Planner notes that the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga has been recognised in the Notice of Requirement and consultation that has been undertaken with the local Iwi.

Council notes that areas of waahi tapu or of cultural significance have not been identified by tangata whenua. Council also notes that conditions requiring the carrying out of appropriate protocols, if sites of cultural significance are discovered, have been imposed on the WRC consents.

Section 7

The Planner "considered that the application has been prepared with sufficient regard to the other matters of importance in Section 7 of the Act. The proposal represents an efficient use and development of natural and physical resources as it is improving an existing transport corridor. The objective of the project is to provide a [safer and] more efficient road network, and the proposed alteration to the designation will achieve this.

The issue of maintenance and enhancement of amenity values will be addressed further in the report.



Section 8

Council notes that consultation was undertaken by TNZ with Iwi. That consultation is viewed as positive by TNZ and the Planner. The Planner submits that a protocol should be established in the event that any cultural heritage is discovered during construction of the underpass and associated road improvements.

Council accepts the Planners submission and notes that such a protocol is contained in the WRC consents.

Section 171(1)(a)

Whether the designation is reasonably necessary for achieving the objectives of the public work or project or work for which the designation is sought;

The Planner submitted that in making a decision on the Notice particular regard must be given to whether the designation is reasonably necessary for achieving the objectives of the public work for which the designation is sought.

At the very least, the reasons for the public work should not be inconsistent with the objectives. The reasons should explain, in part at least why the designation is "reasonably necessary" for achieving the objectives of the public work, to facilitate an understanding of the purposes of the designation.

Objectives of the Public Work

TNZ stated that the objectives of the project are to address the following issues:

1. *To provide a safer section of highway known to have problems with accidents*
2. *To provide for a more efficient road network by reducing the conflict between right turning vehicles and through traffic.*

The objectives of the project are consistent with Transit's Mission Statement for the State Highway system:

To provide road users with safe and efficient State highways.

Section A: 1.3 of the Notice outlines the relevance to the designation and proposed improvements:

There is a need to address problems of highway safety and efficiency in the vicinity of three access points along a busy section of State Highway 1 (SH1). The location of Nikau Palm Road and Ventnor Drive on opposite sides of State Highway 1 on the crest of a slight hill, and the access further north to Whitireia Polytechnic and the Lindale tourist complex, results in traffic slowing and turning, often across on-coming traffic. Options aimed at reducing the number of accidents in the vicinity have been developed and been subject of a Strategy Study, Scheme Assessment Report and Supplementary Reports. (Page A1 of the Application)

The Planner stated that four years ago TNZ commissioned a study for this section of SH 1 to determine the highway deficiencies with a view to developing road improvements. The study concluded the Highway is close to capacity at peak times. The preferred option resulting from the study is the construction of an underpass,



which includes a cycle/pedestrian access linking Paraparaumu with Whitireia Polytechnic. The Planner noted that while the BCR (in 1998) for underpass was 2.9, there will be additional benefits to other surrounding landuse.

Necessity for the Designation

TNZ undertook a detailed traffic study, which concluded that the most appropriate method of addressing deficiencies of the State Highway (safety and catering for future growth of commercial and residential activities on adjoining land) is to undertake works both within and outside the current designated highway.

The Planner stated that the proposed new designation will provide Transit with the ability to control, manage and improve the State Highway network. This involves the investigation, planning, design, construction and maintenance relating to all roading and associated activities within the designated area.

TNZ submitted that the designation mechanism protects and secures a route, and is needed to enable Transit to meet its goal of providing a safe and efficient highway system. The area will be able to be declared a Limited Access Road (LAR) by Transit. This status provides Transit with control over the forming of any new, or the altering of any existing access, to the State Highway in this location.

The Council agrees that given the project objectives the proposed alteration to the designation is reasonably necessary and an appropriate means of securing the land sought by Transit to give effect to the project.

Alternative Sites, Routes Or Methods

(b) Whether adequate consideration has been given to alternative sites, routes, or methods of achieving the public work or project or work;

TNZ submitted that six options have been examined as part of the work completed to date. The six options considered were the following:

Option A an underpass beneath SH 1 connecting Ventnor Drive and Nikau Palm Road with on and off ramps to provide a fully grade separated intersection. The existing access to the Lindale complex and Whitireia Polytechnic will be closed and a new access provided from the local connector roads, which will in part form the on and off ramps around this area. This is the recommended option.

Option B involves closing the existing access from SH 1 to the Lindale complex and Whitireia Polytechnic and providing a new access from Ventnor Drive. This reduces the number of intersections, and therefore reduces part of the problem, but retains an at grade intersection and so does not eliminate the entire safety problem. This is not considered to be an adequate solution.

Option C involves a roundabout on SH 1 at Ventnor Drive and Nikau Palm Road. This option provides good crash reduction savings, but, in doing so, creates significant travel time delays for SH 1 traffic. Economic analysis shows that substantial disbenefits would result from this option, and so this is not considered viable.

Option D involves a new underpass under SH 1 between Hinemoa Street and Buckley Grove with a local road to Ventnor Drive and Whitireia Polytechnic but not the Lindale tourist complex. The Lindale tourist complex management have a strong



preference for access to be retained from the State Highway side, for tourist attraction reasons. This option would only provide a partial solution because the Lindale complex access and Nikau Palm Road would continue to be at grade intersections on the State Highway. This option is therefore not considered to be an adequate solution.

Option E is similar to Option D, but utilises the existing underpass beneath SH 1 at Buckley Road. However, the vertical and horizontal clearances are insufficient to construct a minimum standard two-lane local road. This option is therefore not viable because it does not provide adequate access.

Option F involves installing physical medians and seagull islands on SH 1 to provide protection for right turning traffic. However, there is insufficient separation between the Lindale complex access and Ventnor Drive to provide adequate acceleration and merge tapers to the appropriate standard. In addition, seagull islands are not recommended for rural situations, such as this. While this option would provide some safety advantages over the existing situation, there would still be right turn manoeuvres in a 100kph speed environment, with the potential for crashes. In addition, there would be the potential for merge crashes between Ventnor Drive and the Lindale complex. This option would, at best, only provide partial improvements, and so is not considered a desirable option.

The Planner submitted that Council must be satisfied that TNZ has given adequate rather than cursory consideration to alternatives. Council does not need to be satisfied that the chosen option is the most preferred; rather it is a matter of being satisfied that the procedure of considering alternatives has been undertaken.

The Planner submitted that the six options considered by TNZ were evaluated and scrutinised in terms of potential adverse effects on the environment. The evaluation of the alternatives was able to clearly establish a preferred upgrade option that offers improved State Highway efficiency and safety with the least costs and the least adverse effects on the environment and adjoining landowners.

The Council therefore considers that there has been adequate consideration of alternative options.

Unreasonable to Use Alternative Route

(c) Whether the nature of the public work or project or work means that it would be unreasonable to expect the requiring authority to use an alternative site, route, or method;

The Planner submitted that taking into account all the relevant factors, including traffic benefits and safety, economic desirability and environmental effects would it be unreasonable of Council to expect the requiring authority to use an alternative site, route, or method?

The Planner submitted that it would be unreasonable to require Transit to use an alternative site, route, or method on the basis that they could not meet the objectives of the project without creating greater adverse effects on the environment. In particular, the adverse effects would be greater in regard to:

- cost effects
- adverse effects on landowners in Hinemoa Street and Buckley Grove
- less effective road design

- more conflict with local and through traffic
- traffic safety

Council therefore agrees that it is unreasonable to require Transit to use alternative methods to carry out the work. They have demonstrated in the application that the proposed methods will mitigate any adverse effects to their best ability. The application has also demonstrated that the proposed methods of carrying out the works are methods known and accepted in the relevant fields.

Relevant Policy and Plan Provisions

(d) All relevant provisions of any national policy statement, New Zealand coastal policy statement, regional policy statement, proposed regional policy statement, regional plan, proposed regional plan, district plan, or proposed district plan.

The Planner stated that significant weight should be given to the:

- Wellington Regional Policy Statement
- Wellington Regional Land Transport Strategy
- Kapiti Coast District Council District Plan

Council notes that TNZ has made applications for resource consents to the WRC for uses that are part of the proposal that do not comply with the relevant Regional Plans.

Although the WRC is assessing the individual resource consent applications, the Council must assess the overall proposal against the objectives and policies of the relevant Regional Plans.

The Planner submitted that the issues most pertinent to KCDC, are those that may or may not be consistent with the Objectives and Policies of the District Plan, or any other requirements under the Resource Management Act 1991. The relationship with District Plan Objectives and Policies is different from a resource consent, in that a designation may often fall outside the policy framework of a Plan.

Wellington Regional Policy Statement

The Wellington Regional Policy Statement became operative on 15 May 1995. The Planner noted that the relevant objectives and policies applicable to the proposed designation are listed under Chapter 4, 5, 6, 8, 12 and 14. In relation to each of those chapters the Planner stated the following:

Chapter 4: The Iwi Environmental Management System

Consultation with Iwi about the project has indicated that they are generally supportive subject to consideration being given to long-term effects of run-off from the road to streams and ultimately to the Waikanae estuary.

Chapter 5: Fresh Water

Fresh water under the Regional Policy Statement includes surface water (lakes, rivers, streams, swamps, wetlands, etc) and groundwater (aquifers, underground streams, etc). The policies deal with water quantity, water quality and Iwi matters. The methods listed to achieve the objectives and policies include the preparation of a Freshwater Plan (refer to WRC officers report on the Regional resource consents).

Chapter 6: Soils and Minerals

The project will involve roading activity earthworks, the installation of culverts and management of sediment through alteration of an existing pond. There will need to be a sediment control plan, based on the sediment control document produced by the Auckland Regional Council (TP90).

Council notes that a sediment control plan is a consent condition imposed by the WRC.

Chapter 8: Air

The air objectives and policies deal with sources of emissions including mobile sources such as motor vehicles. The improvements to the intersection and access roads will have little adverse effect on air quality. If anything with the construction of a dedicated cycle/pedestrian way there may be less adverse effect with more people biking/cycling to the Lindale/Whitireia tourist and polytechnic complex.

Chapter 12: Energy

The proposed alteration to the designation is designed to ease congestion and car waiting times which will consequently improve the efficiency of the use of energy. It will also make it easier for students and others to access the Lindale/Whitireia tourist and polytechnic complex by non motorised means. On this basis, the project will meet the objectives and policies on energy.

Council notes that the project may have an overall beneficial effect on the quality of the air within the immediate environment. Further, it endorses the Planner's comment in relation to energy efficiency.

Chapter 14: The Built Environment and Transportation

The project is consistent with the objectives and policies in so far as it will safeguard the existing transport corridor, providing accessibility for the residents of Kapiti Coast.

Regional Land Transport Strategy

The Regional Land Transport Strategy came into effect in October 1999. Its vision is to achieve "A balanced and sustainable land transport strategy that meets the needs of the regional community".

The Planner submitted that the proposed alteration to the designation is consistent with the Regional Land Transport Strategy as it will improve the effectiveness of the strategic road network, by increasing the efficiency and accessibility of the Kapiti Coast within the region. The Strategy emphasises the need to maintain the existing roading corridor, and continue safety improvements to ensure that accident rates are lower.

The Planner stated that a transport corridor is the alignment of transport infrastructure that links the main urban areas of the region to each other. The Western corridor, from Otaki to the Ngauranga Merge includes the Ventnor Dr, Nikau Palm Road and Lindale area. It has been identified that within this corridor there are a number of identified needs and issues. These include peak period road

congestion during weekdays and at weekends, increasing demands for access along the corridor because of the population growth on the Kapiti Coast and insufficient alternative access ways and high accident rates. The project will help alleviate the issues identified above.

Council notes that WRC proposes to build a new railway station at Lindale and land for a sizeable car park has been purchased. Council further notes that it is proposed to extend Ventnor Dr through to Mazengarb Road, which will require the construction of an overpass over the railway line. Accordingly, the construction of the under pass will improve access to the new railway station and eventually Paraparaumu Beach.

Kapiti Coast District Council District Plan

The Planner stated that the objectives and policies of the District Plan particularly relevant to the assessment of the proposal are contained in the following sections of the District Plan:

- C.6 Tangata Whenua
- C.11 Ecology
- C.14 Noise
- C.18 Transport

The Council notes that the Kapiti Coast District Plan became fully operative on 30 July 1999. The land within the area is zoned rural. Most of the designation is already covered by existing designation G101 (State Highway One). The Planner notes the following:

Chapter C.6: Tangata whenua

Ongoing consultation and involvement has been undertaken with Te Ati Awa Ki Whakarongotai. If sites of cultural importance in the area are discovered during construction then they can be protected through a condition of this requirement and through a clause in the earthworks contract.

Chapter C11: Ecology

The notice of requirement identified that the most significant ecological effects of the proposed works will be the relocation of one 150 year old Nikau Palm and some trimming of Kohekohe. The effects of this in comparison with the benefits of State Highway 1 are minimal. A condition however should require the relocation of the Nikau Palm nearby and the planting of replacement Nikau Palms if the relocation is not successful. Any planting as proposed in the draft landscape plan should be locally sourced native flora. A planting management plan should also be required.

Chapter C.14: Noise

It is considered that Transit's noise standards can be met for, provided appropriate mitigation measures are imposed such as noise bunds and planting.

Chapter C18: Transport

The proposed alteration to the designation would be consistent with the objectives and policies in that the works will provide for the efficient and safe movement of people and goods throughout the District. The objectives of the project are consistent with the Transport objectives and policies, and appropriate mitigation



measures have been proposed to avoid, remedy or mitigate effects on the environment.

Other Matters

Flora and Fauna

There are 14 Nikau Palms (T37), Ginkgo biloba trees (T38) and a stand of Kohekohe. Three of the Nikau Palms will be within the roundabout. One of the Nikau Palms will be affected by the construction of the access way into Lindale Tourist complex and will need to be relocated. A tree assessment report commissioned by the applicant considered that it was feasible to shift the Nikau Palm. The palm should be relocated in close vicinity to the existing Palms.

Council notes that in the event the relocation of the Nikau Palm is not successful a number of replacement Nikau Palms of reasonable height will be planted.

Loss of Agricultural Productive Land

The land has a landuse capability classification of Illw1. The land is described in the Landcare Research report on landuse capability classification of the Wellington Region as being low alluvial plains and terraces with soils and wetness limitations. The land contains poorly-drained soils with moderately high water table increasing wetness limitations.

Council notes that the land does not have high agricultural capability. Its location adjacent to SH1 and the narrowness of the site means there will be no significant loss of productive agricultural land.

Air Quality

Council notes that there will be some temporary effects on air quality resulting from construction with dust and hydrocarbons from heavy vehicles. In the long term however it is expected that air quality will improve with "smoothing" of traffic flows.

Cultural, Social and Economic Effects

Council notes that Iwi have not identified any sites of significance and that there are no sites included on the recently commissioned cultural sites database. A standard condition to address discovery has been included in the WRC resource consent conditions.

Council further notes there will be a number of social benefits resulting from the construction of the underpass and access roads. These benefits include the wider social benefits of a safe and efficient highway with reduced accidents and a reduction in associated costs and the direct impacts on the affected landowners and occupiers.

Landscape and Amenity Values

In addition to the Nikau Palm relocation Council notes that some Kohekohe will be trimmed to allow for the relocation of power lines. Also, new embankments will be planted and Council endorses the Planner's recommendation that these be locally sourced native plants. It is noted that Council officers will be liaising with TNZ and their contractors regarding the beautification proposal at the entry to Paraparamu.



Landuse Effects

Council notes that a new entrance will be provided to the motel/conference centre off Ventnor Dr. The Planner submitted that land needed for road improvements will not have any noticeable adverse effect on farm or tourist operations. The Planner considered that any effects on the existing land uses will be positive resulting from improved access to the State Highway. This matter is addressed later in the report.

Traffic and Noise Effects

The Planner noted that the application provides a succinct assessment of traffic and noise effects. The traffic effects are summarised as follows:

The upgrade of Ventnor Drive/Nikau Palm Road intersection with SH1 aims to:

- provide a 'no-surprises' road alignment
- provide a safe approach to, and passage through, a grade separated intersection
- provide safe access to important tourism facilities, commercial and residential properties, and a major education complex.

The Planner noted that there will be some increase in noise for the Lindale Lodge Motel complex. The construction of a noise bund will reduce this to some extent. Council notes that the application states that *the smoothing of traffic flow over this length of highway should however lead to an overall improvement in road traffic noise from the highway.*

Construction Effects

The Planner noted that there will be some inconvenience to adjoining landowners and motorists. TNZ has promised to maintain access to affected landowners. Council notes that TNZ agree that construction shall not be outside of normal construction hours (Monday-Friday 7am-7pm). It is noted that the effects of earthworks into drainage channels and ponds will be managed through the implementation of a Sediment Control Plan that will be monitored by the WRC.

Council notes that TNZ will prepare an Environment Site Management Plan which will incorporate Codes of Practice, details of on-site practice and a monitoring and compliance programme. The Plan will be prepared in partnership with the Wellington Regional Council, tangata whenua and Kapiti Coast District Council to mitigate adverse effects of the road upgrade and overbridge on the environment and adjoining landowners during the construction phase. The Planner noted that a sediment control plan should also be integral to mitigating identified construction effects.

Conclusions

Council agrees with the Planner's conclusion as set out below.

State Highway One is the western transport corridor, providing access for the residents of Kapiti Coast to Wellington and as a link between the main urban areas. In 1998 the traffic volume was approximately 20,000 cars per day along this section of the highway with a 2.5 percent increase per year.

A high number of accidents, including fatalities, and congestion occurs in this area.



It has been recognised that there is a need to address problems of highway safety and efficiency within the vicinity of Ventnor Dr, Nikau Palm Road and SH1 and the entranceway to Lindale tourist complex and Whitireia Polytechnic.

The chosen option is the preferred option, according to the Scheme Assessment Report and evaluation undertaken in that it will most effectively:

- improve safety on a section of highway with a poor safety record
- cater for increases in traffic due to tourism, development of educational facilities and other commercial and residential development on adjoining properties

The preferred option will also provide for improved access to SH1 from Paraparaumu North via an overpass connecting Mazengarb Road and the new Lindale Railway station with the State Highway.

The project is consistent with the Wellington Regional Policy Statement and the Regional Land Transport Strategy. This is on the basis that the existing roading corridor will be maintained and safety improvements will be made to lower accident rates. In addition the proposed road improvements are consistent with the provisions of the District Plan.

While the applicant has proposed measures that will to a large extent mitigate the adverse effects on the environment, these measures will need to be integrated into the overall design process to ensure they are appropriate and effective.

SH 1 is a route of national importance and improvements to the safety and efficiency of the highway will provide for the social, economic and cultural well being of the community and the people's health and safety.

The proposed alteration to the designation and project is consistent with the purpose and principles of Part II of the Resource Management Act 1991. There is a necessity for the project which will provide long- term benefits to the community and region both in terms of traffic safety and efficiency.

Recommendation

The Council recommends to Transit New Zealand that the Notice of Requirement for an alteration to the existing Designation G0101 State Highway Purposes) as set out in the report, and as described in the application documents, be confirmed.

The following conditions are included in the recommendation:

Construction – Liaison

1. Prior to the commencement of each stage of the construction works, the Requiring Authority shall use its best endeavor to notify affected owners and occupiers of all properties adjoining the new road of:
 - (a) The details of the construction programme;
 - (b) A single point of contact for concerns or enquiries relating to the project, including a telephone and facsimile number.
2. The Requiring Authority shall establish Traffic Management Plans as the varying stages throughout the construction of the project progresses to



demonstrate how traffic will be managed during the construction phase in accordance with the applicable Transit Code of Practice for Temporary Traffic Management.

Construction – Environment

3. Prior to the commencement of the construction works, the Requiring Authority shall prepare an Environment Site Management Plan (ESMP) for the construction of the works in accordance with consultation undertaken with the Wellington Regional Council (WRC), tangata whenua and the Kapiti Coast District Council, demonstrating how the Requiring Authority will mitigate any adverse effects of the works on the environment during the construction phase. The ESMP shall include:
 - The name, telephone number and address of the site manager
 - Measures to be used to maintain the site in a tidy condition including the storage of building materials and location of workers conveniences
 - A plan specifying the location of ingress and egress during earthworks and construction on the site
 - The proposed numbers and timings of truck movements throughout the day
 - Other methods and measures to ensure that adverse effects on the environment are mitigated through “best practice” throughout all construction processes.

The Requiring Authority shall monitor its contractors' compliance with the ESMP.

4. The Requiring Authority shall provide for a public footpath and cycle link through the site as shown on the application drawings, or such amended drawings as may be agreed with the District Planner.
5. The hours of construction shall be restricted to 7am to 7pm Monday to Friday with no weekend work unless otherwise agree in writing with the District Planner for part of the works undertaken.

Landscaping

6. Prior to any works starting on site, the Requiring Authority shall develop detailed revegetation plans and specifications demonstrating how the Requiring Authority will implement revegetation in general accordance with the Landscape Mitigation Plan. These plans and specifications shall be subject to final design and any modifications required to comply with any other conditions of this designation. The landscaping shall include planting of locally sourced native flora. The plans and specifications shall be to the written approval of the District Planner.
7. Shaping and cutting fill batters shall be designed and constructed in such a way as to resemble as far as possible the existing natural landforms of the area. Earthworks shall be designed to integrate into the surrounding landscape, e.g. rounding edges of cut faces where practicable.
8. The Nikau Palm that is within the proposed access road into Lindale/Whitireia shall be relocated to a suitable site close to its existing



position. In the event that the Nikau Palm does not survive, three replacement Nikau Palms which are at least 1.5 metres in height shall be planted in a location agreed by the District Planner.

9. The Requiring Authority shall maintain all landscaping works for a period of three years following the completion of construction. In the event that a kohekohe or ginkgo tree be inadvertently damaged then it shall be replaced with three new plantings which are at least 1.5 metres in height shall be planted in a location agreed by the District Planner.

Traffic Noise

10. The proposed works shall be designed so that noise levels comply with the Transit document entitled "*Transit New Zealand Guidelines for the Management of Road Traffic Noise – State Highway Improvement*" contained in the Transit New Zealand Policy Planning Manual, dated December 1999 (the "Noise Guidelines"). The construction of a 2.5m high noise bund next to Lindale Lodge Motels and Conference Centre, as shown on drawing no. 2401169 titled *Plan of Landscaping and Entrance* shall be built to ensure that the Transit New Zealand Guidelines are met.

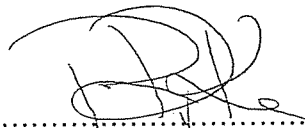
Protocols for Dealing with Koiwi or Taonga and Human Remains or Artefacts

11. Prior to any works starting on site, and in consultation with Te Ati Awa Ki Whakarongotai, the Requiring Authority shall develop a document entitled "*Cultural Heritage Protocol and Procedures*" detailing the procedure that will be adopted in the event that koiwi or taonga are unearthed during the course of the construction of the project.

Advice Notes

The Requiring Authority should consult with the Resource Consents Managers of KCDC and WRC to ascertain what additional resource or building consent applications, if any, may be necessary in order to construct and/or operate the project.

SIGNED



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Cr. Paul Drake

Chairperson, Environmental Management Committee

DATED at Paraparaumu this 9th day of September 2002.

