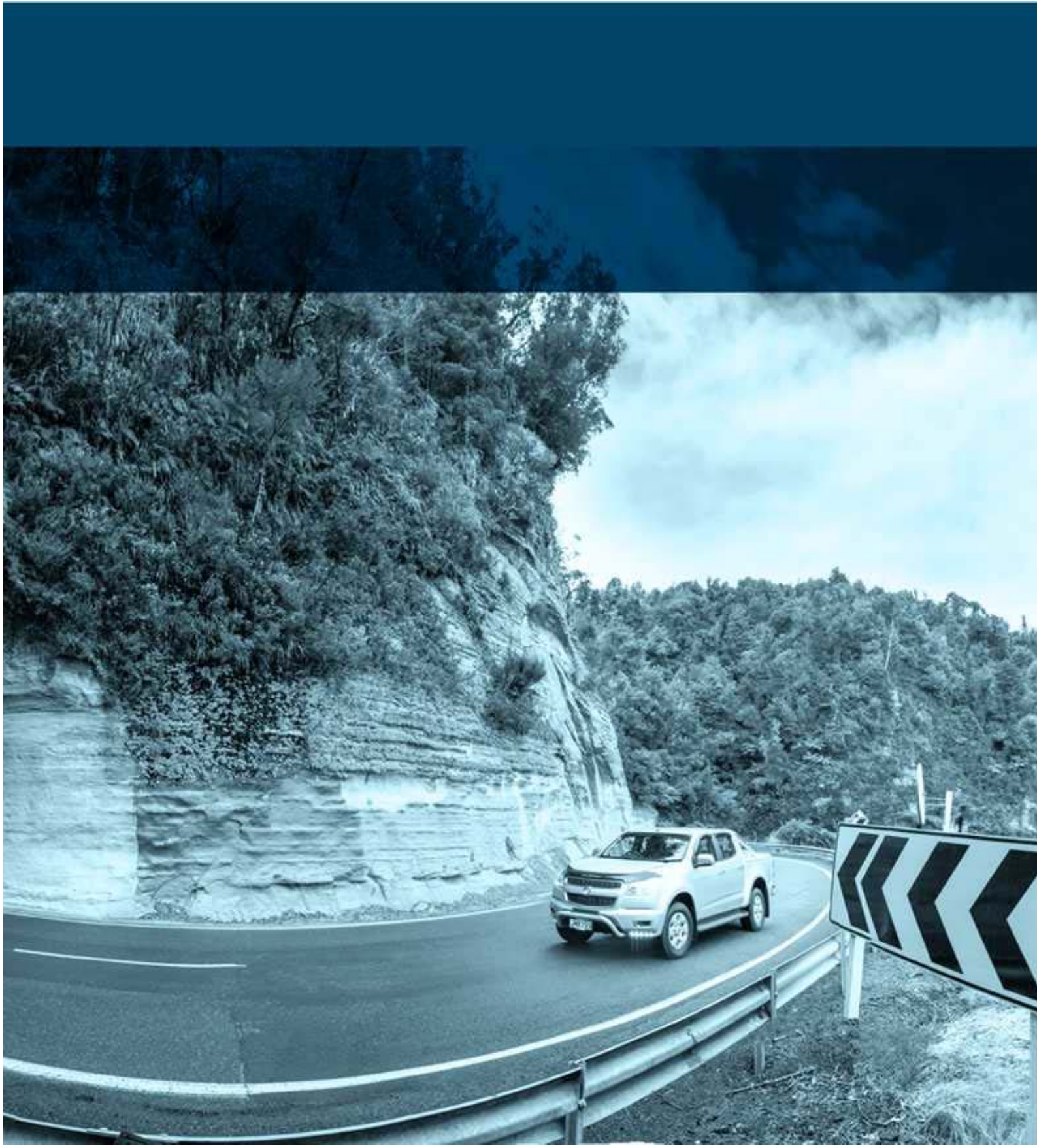


Section 11 – Statutory context and assessment



11 Statutory context and assessment

11.1 The Transport Agency

The Transport Agency is the requiring authority and applicant for the Project. The sections below set out the objectives, principles and functions of the Transport Agency.

11.1.1 The Transport Agency – Operating Principles and Functions

The Land Transport Management Act 2003 (LTMA) provides the statutory framework for New Zealand's land transport system. It is also the statute under which the Transport Agency operates (in conjunction with the Government Rounding Powers Act 1989 and the Land Transport Act 1998).

The Transport Agency's objective is set out in Section 94 of the LTMA as being:

“to undertake its functions in a way that contributes to an effective, efficient and safe land transport system in the public interest.”

The Transport Agency's functions are set out in Section 95(1) and include:

(a) to contribute to an effective, efficient, and safe land transport system in the public interest...

(c) to manage the State highway system, including planning, funding, design, supervision, construction, and maintenance and operations, in accordance with this Act and the Government Rounding Powers Act 1989:

The principles under which the Transport Agency must operate are set out in Section 96 and include:

“(1) In meeting its objective and undertaking its functions, the Agency must –

(a) exhibit a sense of social and environmental responsibility, and, –

(b) use its revenue in a manner that seeks value for money, and,—

(i) if the revenue is part of the national land transport fund, in accordance with Section 10(3); and

(ii) in all other cases, for the purpose for which it is collected; and

(c) ensure that its revenue and expenditure are accounted for in a transparent manner; and

(d) ensure that—

(i) it acts in a transparent manner in its decision making under this Act; and

(ii) it gives, when making decisions in respect of land transport planning and funding under subpart 1 of Part 2, the same level of scrutiny to its own proposed activities and combinations of activities as it would give to those proposed by approved organisations.”

11.1.2 Power to construct and operate road

The Government Rounding Powers Act 1989 provides the Transport Agency with powers in relation to the construction, operation and maintenance of State highways.

Subsection 61(2) provides the Transport Agency various powers in respect of roads granted to local authorities under the Local Government Act 1974, including the ability to construct footpaths and cycleways. Powers under subsection 61(4) include:

“(4)The Agency shall have power to do all things necessary to construct and maintain in good repair any State highway, and in particular, but without limiting any power conferred on the Agency elsewhere in this Act, to do the following things:

- a) to alter the line of any State highway, but a new line shall not be laid out by the Agency without the written consent of those persons whose written consent would be required under Section 114(2) of the Public Works Act 1981 if the land were to be declared to be a road:*
- b) to increase or diminish the width of any State highway:*
- c) to determine what part of a State highway shall be a carriageway and what part a cycle track or footpath only:*
- d) to construct, erect, dig, or grow on any State highway, or remove from it, such barriers, dividing strips, guide or sign posts, pillars, or other markers, trees, hedges, lawns, gardens, and other devices, as may in the opinion of the Agency be necessary or desirable:*
- e) to place or construct temporarily or permanently on any carriageway any reasonable device or thing for the purpose of controlling vehicle speeds, if it is desirable for the safety of road workers or users of the State highway, or members of the public, or to protect any part of the State highway:*
- f) to place or construct, or allow to be placed or constructed, on any State highway clear of the carriageway any road-making or maintenance materials, plant and equipment, traffic weigh stations, traffic control aids, and stations, facilities, and amenities for State highway users:*
- g) to alter the level of any State highway:*
- h) to stop, divert, or otherwise control the traffic upon any State highway temporarily while any work or investigation is being undertaken or for the structural protection of any part of the State highway:*
- i) To close to traffic any State highway, or any part of it, for such period as the Agency considers necessary to execute repairs or to remove any obstruction: ...”*

11.1.3 Requiring Authority Status

The Transport Agency was confirmed as a Requiring Authority in accordance with section 167 of the RMA via an order in Council dated 7 December 1992; with subsequent Gazette Notices on 10 December 1992, 3 March 1994 (GO1500) and 19 November 2015 (GO6742). Copies of these gazette notices are attached to the NoR. The Transport Agency has the ability to designate, construct and operate state highways, motorways, cycleways, shared paths and directly associated works. Therefore, the Transport Agency has the authority to designate all matters relating to the NoRs.

11.2 Introduction to the statutory RMA framework

The RMA sets out the legal framework to promote the sustainable management of natural and physical resources in New Zealand. The directly relevant sections of the RMA in relation to the assessment of the Project and the NoR and consent processes are:

- Part 2 – Purpose and principles: s5 – 8 which establish the overriding purpose of the RMA and matters which all decision makers and persons exercising powers must recognise and provide for, have particular regard to, or take into account;
- Part 6 – Resource consents: s104 which prescribes matters to be taken into account when considering resource consent applications, s104B which sets out determination of discretionary applications and s105 and 107 which relate to discharge permits; and
- Part 8 – Designations and heritage orders: specifically s168 which sets out the provisions for making a Notice of Requirement and s171 which sets out matters to be taken into account by the territorial authority when considering a Notice of Requirement.

An assessment against these parts of the RMA is presented on the following pages. This section of the AEE assesses the Project against the key provisions of the Resource Management Act 1991 (RMA) and comments on other relevant legislation. In accordance with s104(1) and s171(1), this section also assesses the Project against the relevant provisions of the following statutory policy statements and plans:

- Resource Management (Measuring and Reporting Water Takes) Regulations 2010 (Water Takes Regulations)
- Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES Soil)
- National Policy Statement for Freshwater Management 2014 (NPS Freshwater)
- New Zealand Coastal Policy Statement 2010 (NZCPS)
- Regional Policy Statement for Taranaki 2010 (RPS)
- Regional Fresh Water Plan for Taranaki 2001 (Fresh Water Plan)
- Regional Soil Plan for Taranaki 2001 (Soil Plan)
- Regional Air Quality Plan for Taranaki 2011 (Air Quality Plan)
- New Plymouth Operative District Plan (NPDP)

Other relevant documents are discussed in Section 11.7. In all cases, the assessment is based on the information presented earlier in this report and supported by the accompanying Technical Reports.

11.3 Key provisions of the Resource Management Act 1991

11.3.1 Part 2 Purpose and Principles

11.3.1.1 Approach in light of *Davidson*

Traditionally, an analysis of the consistency of applications with Part 2 of the RMA has been fundamental to the overall assessment of applications for resource consent, and NoRs.

Sections 104 and 171 of the RMA require that consideration of applications for resource consents, and notices of requirement for designations, be "*subject to Part 2*". The phrase "*subject to Part 2*" has until recently, consistently been considered to require an 'overall broad judgement' approach in the form of a fulsome Part 2 analysis.

However, that traditional approach has been called into question by the High Court decision in *RJ Davidson Family Trust v Marlborough District Council (Davidson)*.⁶⁶ The High Court held that the words "*subject to Part 2*" do not give a specific direction to apply a Part 2 analysis in all cases, but to do so only where there is "*invalidity, incomplete coverage or uncertainty of meaning in the statutory planning documents*". The High Court considered this position to be an application of the reasoning of the Supreme Court in *King Salmon*, where it was determined that Part 2 should not normally be considered when making decisions on plan documents.⁶⁷

In respect of NoRs, the 2015 High Court decision in *New Zealand Transport Agency v Architectural Centre Inc (Basin Bridge)*, confirmed that the traditional Part 2 analysis approach should still be followed.⁶⁸ This has subsequently been applied by the Environment Court to NoR decisions even after the *Davidson* decision.⁶⁹

A further complication is that *Davidson* is currently subject to appeal to the Court of Appeal. Taken together, that means the current position is that:

- The applications for resource consent are not to be subject to the 'overall broad judgement' approach. Instead, Part 2 of the RMA is to be applied only where there is "*invalidity, incomplete coverage or uncertainty of meaning*" in the relevant planning instruments, as that phrase has been applied through Environment Court case law following *Davidson*.
- The NoR is to be subject to the traditional 'overall broad judgement' approach.

This statutory analysis section proceeds on that basis. However, for completeness, a traditional Part 2 analysis is included in respect of the resource consent applications after the *Davidson* analysis.

This approach takes into account the fact that it is possible the current position will alter, or be further clarified, through a Court of Appeal decision on *Davidson* before the applications and NoR are determined.

11.3.1.2 Section 5 – Purpose

Section 5(1) states that the purpose of the RMA is to promote the sustainable management of natural and physical resources, with sustainable management defined in s5(2). It is concluded that construction of the Project will have positive and adverse effects, but overall, the Project will achieve the purpose of the Act. The reasons for this assessment include (and further detail is provided in the other sections of the AEE):

- The Project will significantly improve safety, travel times and resilience of travel over the existing substandard Mt Messenger section of SH3. The Taranaki region is heavily

⁶⁶ *RJ Davidson Family Trust v Marlborough District Council* [2017] NZHC 52.

⁶⁷ *Environmental Defence Society Inc v The New Zealand King Salmon Co Ltd* [2014] NZSC 38

⁶⁸ *New Zealand Transport Agency v Architectural Centre Inc* [2015] NZHC 1991.

⁶⁹ See for example *Queenstown Airport Corporation* [2017] NZEnvC 46.

reliant on primary industry, including agriculture and oil and gas. SH3 is a key connection from the Taranaki region through to the Waikato and on to Hamilton, Tauranga and Auckland for Taranaki's primary sectors, tourism and recreation, and access to health and other social services. Enhancement of the SH3 connection, specifically the Mt Messenger Bypass, is therefore directly linked to enabling the people and communities of the region to provide for their social, economic and cultural well-being and for their health and safety.

- Ngāti Tama have a strong and longstanding connection with the wider Project area. The Transport Agency has engaged in a robust process with Ngāti Tama, acknowledging Ngāti Tama's kaitiakitanga responsibilities and mana over the Project area. This will be carried through to the detailed design and construction stages, including exploring cultural narrative and expression into the detailed design, construction and operation of the road, along with engagement around land acquisition and mitigation.
- The Project will significantly improve the connectivity of freight to and from the Taranaki region, appropriately reflecting the Regional Route classification of SH3. The existing SH3 is no longer fit for purpose or its classification as a Regional Route due to a number of known problems, including a poor safety record, poor route resilience, and poor road geometry and associated low speeds.
- In developing the Project, a wide range of technical, environmental, social, economic and cultural matters were considered with a focus on firstly avoiding effects and then remedying and mitigating (and also offsetting) effects that cannot be avoided.
- While there will be effects associated with a project of this scale, as identified throughout the AEE, the focus has been to avoid, remedy, mitigate or offset effects. For example, as soon as the preferred option was selected, a core part of the Project has been to develop a robust ecological mitigation and biodiversity offset package. The result of this process is a package which is expected to achieve a net gain in biodiversity within 10 to 15 years following construction.
- The development of detailed conditions and methodologies for construction and a CEMP (and other associated management plans) will ensure that the life-supporting capacity of air, water, soil and ecosystems are safeguarded. This is achieved by setting out the framework for efficient and effective construction of this regionally significant road, while addressing the adverse effects of the establishment of the Project in a manner which will avoid, remedy or mitigate adverse effects.
- Once commissioned, the Project will help to sustain the potential of natural and physical resources to meet the foreseeable needs of future generations by providing a modern, resilient and reliable connection from Taranaki to the north.

11.3.1.3 Section 6 – Matters of National Importance

Matters of national importance, which are to be recognised and provided for, are set out in Section 6 of the RMA. Relevant matters for the Project are:

- (a) *the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their*

margins, and the protection of them from inappropriate subdivision, use, and development...

- (c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- (d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- (e) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:*
- (f) the protection of historic heritage from inappropriate subdivision, use, and development:*
- (h) the management of significant risks from natural hazards.*

In relation to these matters of national importance:

- 6(a)** Potential effects of the Project on the natural character of wetlands, rivers and their margins have been considered throughout the Project's development, including via the alternatives assessment. The location and design of the chosen route option is considered to be appropriate from a natural character perspective, as it avoids the Waipingao Stream catchment (Parininihi) to the west which has very high natural character values. This Project will mitigate adverse effects on natural character by minimising construction effects on natural stream environments where possible and constructing stream diversions with naturalised elements where effect are unavoidable. In particular, within the Mimi catchment adverse effects on natural character have been avoided by locating the road outside of the Mimi swamp forest, and providing for a bridge over a tributary. Riparian planting and restoration of swamp forest is also proposed and will provide an opportunity to enhance the natural character values.
- 6(c)** The ecological values present in the Project footprint and adjacent forested and wetland areas are high, although considerably diminished from their full potential because of the long term and largely unchecked impact of farm livestock and animal pests (and the effects of previous logging and fires). The Mimi swamp forest is the area of greatest ecological significance in close proximity to the Project. In order to avoid effects on this area, the Project was routed to the west of the wetland area, with a bridge crossing a tributary to the wetland to avoid fill in this location. In addition, a comprehensive mitigation and biodiversity offset package has been developed as a core part of the Project. This is predicted to result in a net ecological benefit which will enhance the biodiversity value of this area within the next 10–15 years with significant enhancement thereafter.
- 6(d)** Existing public access will be enhanced in the long-term. There may be short-term disruptions to access to the Kiwi Road track (which leads to Mimi River) while construction is occurring in this location. Once the Project is complete, the track will have safer access off SH3 and be re-routed under the new SH3 to allow for better and safer walking access at this location.

- 6(e) Ngāti Tama have significant cultural values associated with the Project area and the Transport Agency is fully aware of this deep association with the area. The Transport Agency has undertaken extensive consultation with Ngāti Tama. In its ongoing engagement with mana whenua and particularly Ngāti Tama, the Transport Agency has taken into account the principles of the Treaty of Waitangi, including recognition of the spiritual relationship that tangata whenua have with the environment and acknowledgement of Ngāti Tama's rangatiratanga and kaitiaki responsibilities in relation to the Project area. This process has significantly influenced route selection and design, including avoiding the western Parininihi land, setting the Project back from Mt Messenger, and using a tunnel under the ridge. This engagement process is ongoing and will continue throughout the resource consent process and beyond, including input into detailed design where it is anticipated there will be opportunities for cultural expressions to be explored and embedded within the landscape of Mt Messenger and the Mangapepeke valley.
- 6(f) No known archaeological or other historic heritage sites will be affected by the proposed construction of the Project, and the Historic Heritage Assessment (Technical Report 9) anticipates a low risk on historic heritage (archaeology) as a result of the Project. Therefore, there should be no constraints on the proposed construction of the Project on archaeological or historic heritage grounds, however an Accidental Discovery Protocol is proposed to provide for the possibility of unrecorded archaeological sites being uncovered during construction.
- 6(h) The Project will result in a significant improvement in resilience over the existing SH3 route to the potential natural stresses and shock challenges in the region ie it will lower the risk of natural hazards on the route. This will be achieved through major improvements to grades and curves, design methodologies for cut slopes, embankments and culverts, innovation and robust design of structures such as the tunnel and bridge, and integrated stormwater management of water quality and water quantity.

These matters are addressed in the objectives and policies of the relevant RMA plans and assessed in summary in Section 11.4 to 11.6 and in full in Appendix A.

11.3.1.4 Section 7 – Other Matters

Section 7 sets out other matters to which particular regard must be had when exercising functions and powers under the RMA. The following matters are relevant to the Project:

- (a) *kaitiakitanga:*
- (aa) *the ethic of stewardship:*
- (b) *the efficient use and development of natural and physical resources...*
- (c) *the maintenance and enhancement of amenity values:*
- (d) *intrinsic values of ecosystems...*
- (f) *maintenance and enhancement of the quality of the environment:*
- (i) *the effects of climate change...*

Having particular regard to these matters, the following points are noted:

- 7(a)** Ngāti Tama have kaitiaki responsibilities in this location. The Transport Agency has, and will continue to engage with Ngāti Tama throughout the process, including facilitating active participation and exercise of kaitiakitanga by Ngāti Tama in relation to the Project. It is anticipated this will include input into components of the detailed design and construction and operation phases which will include the appropriate exercise of Ngāti Tama's kaitiakitanga.
- 7(aa)** The Transport Agency acknowledges the sensitivity of the surrounding environment. The concept of 'stewardship' has been inherent in the design process. In this respect, the alternatives assessment forms a key part of the process as the preferred route is located where the environmental effects could be avoided, remedied, mitigated or offset in a manner which will achieve a net biodiversity gain in the short to medium term. Equally, key Project features, including the tunnel and bridge have been included to avoid effects. To address residual adverse effects, a comprehensive offset and mitigation package is included part of the Project, including pest management over 560ha of forest ecosystems in the local area, to achieve a net gain in biodiversity within 10 to 15 years following construction.
- 7(b)** The Project delivers the efficient use and development of natural and physical resources through a robust route selection process that avoided the western Parininihi land, provides for a significant improved transport system over the existing Mt Messenger route and safely ties in with the existing SH3 and the northern and southern ends. The Project will also help to ensure the efficient use and development of natural and physical resources by providing capacity to support transport growth within the Taranaki region and through improving resilience of the SH3 network.
- 7(c)** Measures are proposed at construction sites so that temporary effects on amenity values during construction and ongoing effects arising from permanent works are minimised or mitigated (refer Sections 5, 9 and 10 above and Volume 5). Amenity matters such as noise, vibration, dust, and lighting will be undertaken within the relevant standards and controlled through the application of the CEMP and other relevant management plans. Long-term, existing access to recreational tracks will be enhanced and there are opportunities to enhance the amenity values through screen and amenity planting where the road will be viewed from existing dwellings.
- 7(d)** A comprehensive ecological mitigation and biodiversity offset package forms a core part of the Project, in order to mitigate/offset residual adverse effects which cannot be avoided or remedied. This will provide for a net positive effect in relation to ecological values within 10–15 years following the completion of works particularly in those areas where the ecological values are currently degraded. Overall, the Project will maintain and enhance the quality of the environment.
- 7(f)** The Project will have significantly change the quality of the environment within the Project footprint. It will form a permanent impervious area where there is currently vegetation and pasture. In order to address this the landscape and ecological mitigation package provides for enhancement of the quality of the environment immediately surrounding the new road in the medium to long-term.

- 7(i) The new road resulting from the Project will decreased carbon dioxide emissions associated with a shorter length of road and a reduced climb with flatter grades.

11.3.1.5 Section 8 – Treaty of Waitangi

Section 8 requires those exercising powers or functions under the RMA to take into account the principles of the Treaty of Waitangi. As described above, the Transport Agency has engaged with iwi, in particular with Ngāti Tama, throughout the process to address effects of the Project on tangata whenua or cultural heritage matters. In particular the Transport Agency has actively worked with Ngāti Tama in good faith throughout the Project's development so as to enable it to make fully informed decisions. In this regard, the draft Ngāti Tama CIA states:

From what we have observed through the process, it has given us confidence in the experts and people involved in the project. We have been pleased to hear the approach of 'treading as lightly as possible on the whenua' and can see that the experts are advocating for the ecological values of the area. They have been very open with us and supported us to participate in the process and provide our input. There is no complaint about the consultation and the ability for us to provide our input and cultural views to the project. Thus, the purpose of this report is to record that we have been involved in the process and outline the cultural importance of this area.

The Transport Agency recognises the cultural significance and importance of the Ngāti Tama land affected by the Project, including that it was returned to Ngāti Tama under its Treaty of Waitangi Settlement, and the consequential effects of the Project. The Transport Agency also recognises the spiritual relationship that tangata whenua have with the environment and acknowledges Ngāti Tama's rangitiratanga and kaitiaki responsibilities in relation to the Project area.

The Transport Agency's engagement with Ngāti Tama is ongoing and is consistent with the principles of the Treaty.

11.3.2 Part 6 Resource Consents

11.3.2.1 Section 104 Consideration of resource consent applications

Section 104(1) of the RMA requires a consent authority, when considering an application for *resource consent*, to have regard to:

- (a) *any actual and potential effects on the environment of allowing the activity; and*
- (ab) *any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and*
- (b) *any relevant provisions of—*
 - (i) *a national environmental standard:*
 - (ii) *other regulations:*
 - (iii) *a national policy statement:*
 - (iv) *a New Zealand coastal policy statement:*

(v) a regional policy statement or proposed regional policy statement:

(vi) a plan or proposed plan; and

- (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

Having regard to the matters outlined in s104(1) of the RMA, the following points are noted:

Any actual and potential effects on the environment of allowing the activity

- Section 9 and the Technical Reports contained in Volume 3 consider the actual and potential effects of the Project on the environment. Those parts of the report address the positive effects of the Project, potential adverse effects on the environment during construction operation of the Project.
- With the implementation of the proposed management plans and mitigation and offset measures as outlined in the AEE and the Technical Reports in Volume 3, the adverse effects of the Project can be avoided, remedied, mitigated or offset such that they are either of a no more than minor nature, or where there are residual adverse effects that are more than minor in the short-term, then environmental enhancement is achieved over the long term.
- The Project will have regionally significant positive effects associated with improved transport outcomes compared to the existing route (travel time savings etc), greater resilience in the road network to accidents and natural hazards, and improved capacity and ease of movement for both freight and people.

Any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity

- The Project is proposed in order to address the safety, resilience and reliability issues associated with the existing Mt Messenger route. The Project will upgrade the existing safety classification of this stretch of road to Star Rating 3, improve natural hazards and operational resilience of the road, facilitate significant benefits in relation to travel time savings for light and heavy vehicles (contributing to lower freight costs) and increase reliability of the route which has particularly cost implications for freight.
- Section 9.8.9 and Technical Report 7h describe the ecological mitigation and biodiversity offset package, which is a core part of the Project. The package has been designed to achieve a net gain in biodiversity within 10 to 15 years following construction. This will substantially reverse the diminished state of some 560ha of forest ecosystems currently found in the Project area.

Any relevant provisions of a national environmental standard, other regulations, a national policy statement, a New Zealand coastal policy statement, a regional policy statement or proposed regional policy statement, a plan or proposed plan

- Sections 11.4 to 11.6 below provide an assessment of the Project against the relevant provisions of the applicable planning documents. Overall, the Project is consistent with the relevant objectives, policies and assessment criteria set in the relevant statutory and non-statutory documents referred to in s104(1)(b) of the RMA.

Any other matter the consent authority considers relevant and reasonably necessary to determine the application

- Ngāti Tama’s connection to the area is reflected in the Ngāti Tama Claims Settlement Act 2003 which provided for the redress of historic breaches of the Treaty of Waitangi, and included commercial and cultural redress items. As set out in the preceding Sections 0, 7.7, 8.4.1, 9.7 and 11.3 to 11.6 below, the Transport Agency acknowledges the significant cultural, spiritual, historical, and traditional importance of the Project area to Ngāti Tama and has consulted on an early and ongoing basis. Discussions will continue throughout the resource consent process.
- The Project is of strategic importance to the region, as SH3 serves as Taranaki’s strategic cross-boundary transport link leading to the north through Mahoenui and Pio in the Waikato and on to the key economic hubs of Hamilton, Tauranga and Auckland. Its availability and performance is vital to the growth and economic strength of all of the Taranaki region, particularly in relation to connecting people, communities and associated businesses and freight.
- This is reflected in a number of strategic planning documents including:
 - the recently released “Tapuae Roa: Make Way for Taranaki”: Taranaki Regional Economic Development Strategy (August 2017). This identifies improvement of the northern highway as a ‘one-off regional game-changer’.
 - The Taranaki Regional Council Long Term Plan 2015–2025,
 - Regional Land Transport Plan for Taranaki 2015–2021,
 - New Plymouth District Council Long Term Plan 2015–2025,
 - New Plymouth District Council Economic Development Strategy 2014–2024, which also provide strategic support to the Project.

Transport and connectivity of Taranaki within the district and between the district, region, other districts and regions and offshore markets is a key theme that runs through these documents. The Regional Land Transport Plan for Taranaki identifies the priority inter-regional issue for the Taranaki region is the future route efficiency, safety and reliability of SH3 travelling north over Mt Messenger, through the Awakino Gorge to Te Kuiti, Hamilton and beyond. The Project will significantly improve connectivity of freight to and from the Taranaki region.

11.3.2.2 Sections 105 and 107 matters relevant to certain applications

Section 105(1) relates to matters relevant to applications for a discharge permit. In summary, in considering an application to which Section 105 relates, the consent authority must have regard to the sensitivity of the receiving environment, the applicant’s reason for the proposed choice and any alternatives. The discharge permits being sought for the Project are set out in Section 2. The consideration under s105 are addressed in Section 6.

Section 107(1) provides that a discharge permit shall not be granted if, after reasonable mixing, the contaminant or water discharged is likely to give rise to any effects in receiving waters that would: cause conspicuous oil or grease films, scums or foams, or floatable or suspended materials; a conspicuous change in colour or visual clarity; emit objectionable odour; render fresh water unsuitable for farm animals; or have a significant adverse effect

on aquatic life. As noted above, the discharges are generally of a minor nature and stormwater and construction site related discharges will be treated prior to discharge such that the effects addressed by s107 will not occur.

11.3.3 Part 8 Designations

11.3.3.1 Section 168 Notices of Requirement to territorial authority

Section 168 provides that a requiring authority may give notice in the prescribed form to a territorial authority of its requirement for a designation for a project or work. The scope of the Notices of Requirement are set out in Section 2 of this report. The notices have been prepared in accordance with s168 of the RMA.

11.3.3.2 Section 171 Recommendation by territorial authority

Section 171 sets out the matters that New Plymouth District Council must consider when making a recommendation on a Notice of Requirement: Section 171(1) states:

When considering a requirement and any submissions received, a territorial authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to—

- (a) any relevant provisions of—
 - (i) a national policy statement;*
 - (ii) a New Zealand coastal policy statement;*
 - (iii) a regional policy statement or proposed regional policy statement;*
 - (iv) a plan or proposed plan; and**
- (b) whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if—
 - (i) the requiring authority does not have an interest in the land sufficient for undertaking the work; or*
 - (ii) it is likely that the work will have a significant adverse effect on the environment; and**
- (c) whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought; and*
- (d) any other matter the territorial authority considers reasonably necessary in order to make a recommendation on the requirement.*

Having regard to the matters outlined in Section 171(1) of the RMA, the following points are noted:

Any relevant provisions of a national policy statement, a New Zealand coastal policy statement, a regional policy statement or proposed regional policy statement, and a plan or proposed plan.

- As stated above in relation to s104(1)(b) of the RMA, Sections 11.4 to 11.6 below provide an assessment of the Project against the relevant provisions of the applicable planning documents. Overall, the Project is consistent with the relevant objectives, policies and assessment criteria set in the relevant statutory and non-statutory documents referred to in s171(1)(a) of the RMA.

Whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if the requiring authority does not have an interest in the land sufficient for undertaking the work; or it is likely that the work will have a significant adverse effect on the environment.

- In this case, the Transport Agency does not have an interest in all of the land required for undertaking the work, and in addition, it is acknowledged that there are potentially significant adverse effects on the environment before mitigation and offsets are taken into account. Therefore, an alternatives assessment is required under s171(1)(b).
- Section 6 outlines the alternatives assessment associated with the Project. The process of consideration of alternatives involved an extensive option evaluation to arrive first at a longlist of routes, which was then reduced five shortlisted options. The shortlisted options which were developed further prior to the alignment which is subject to this AEE being selected. Volume 4 of this AEE sets out the detail considered during the longlist and shortlist process. This involved input from a wide range of independent experts and Ngāti Tama, with options evaluated through a MCA process. The Transport Agency's decision to progress the proposal form of the Project was made taking proper of account of the MCA process and results.

Whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought

As set out in Section 3, the Transport Agency's Project Objectives for the purposes of s171(1) of the RMA are:

1. To enhance safety of travel on State Highway 3;
2. To enhance resilience and journey time reliability of the state highway network;
3. To contribute to enhanced local and regional economic growth and productivity for people and freight by improving connectivity and reducing journey times between the Taranaki and Waikato Regions; and
4. To manage the immediate and long term cultural, social, land use and other environmental impacts of the Project by so far as practicable avoiding, remedying or mitigating any such effects through route and alignment selection, highway design and conditions.

The work is reasonably necessary to achieve the objectives for the reasons extensively set out within this AEE, but in summary including:

- The existing Mt Messenger section of SH3 is no longer fit for purpose. In particular, it has a poor safety record, poor route resilience (common closures with no suitable alternative routes without significant extra journey time) and poor road geometry and low speeds. Without the work the substandard status quo will continue, and get worse over time as traffic volumes increase;
- The work will enhance safety of travel on SH3 by improving its star rating from 2 to 3 (this also means this section of SH3 is in context with the large remainder of SH3) and providing improved forward visibility, improved geometry, reduced exposure, better

provision for active modes, improved passing opportunities and safer connections to the walking tracks.

- The work will enhance resilience and journey time reliability of SH3 (and the network) by:
 - Providing a route and modern design techniques with enhanced resilience to natural hazards and closures due to crashes;
 - Providing a route with faster recovery time in the event of a natural hazards or crashes; and
 - Providing a route and design that will reduce journey times and through reduced closures, less maintenance and faster recover time enhance journey time reliability
- The work will contribute to enhanced local and regional economic growth and productivity for people and freight by improving connectivity and reducing journey times between the Taranaki and Waikato Regions by:
 - Significantly improving a route that has considerable strategic value, being Taranaki's only arterial connection directly to and from the north, and is of particular importance to the economic well-being and wider future of Taranaki. The existing road is no longer fit for purpose and fails to appropriately provide for the transport (people and freight) between the Taranaki region and the north. This is particularly important given the transport requirements for the key economic drivers of the region being agriculture, manufacturing and services to the oil and gas industry;
 - Providing a safe and resilient (fit for purpose) roading connection between the Taranaki region and the north (in particular Hamilton and the Ports of Auckland and Tauranga) thereby reducing journey times and improving journey time reliability;
 - Providing:
 - significantly improved connectivity of freight to and from the region;
 - significantly reduced journey times for over dimension loads; and
 - lower vehicle operating costs (especially for freight).
- The work manages the immediate and long term cultural, social, land use and other environmental impacts of the Project, including through:
 - The engagement that has occurred with Ngāti Tama (including the Project location outside of the western Parininihi land and use of a tunnel); and
 - The use of an extensive ecological mitigation and offset such that net environmental benefit will be achieved after 10–15 years, and significant benefits achieved over time.

The designation mechanism under the RMA is reasonably necessary to achieve the Transport Agency's objectives in that:

- The application is for an alteration for an existing NoR (with the existing SH3 being designated in the District Plan) such that it:

- Maintains the current process within the District Plan; and
- Ensures consistent planning provision for the Transport Agency and SH3.
- The designation mechanism reflects the significance of this infrastructure and transport route by transparently providing for it within the District Plan; and
- That Transport Agency does not own all the land along the Project footprint such that the designation will:
 - Protect the land from other development; and
 - Provide certainty that the Project can be constructed, operated and maintained.

Any other matter the territorial authority considers reasonably necessary in order to make a recommendation on the requirement

- As set out above in relation to s104(1)(b) of the RMA, Section 11.7 sets out the other matters considered relevant for this application. In particular, the Ngāti Tama Claims Settlement Act 2003 provides the statutory basis for Ngāti Tama’s ownership of the land within the Project footprint and the wider area. As set out in the preceding Transport Agency acknowledges the significant cultural, spiritual, historical, and traditional importance of the Project area to Ngāti Tama and has engaged on an early and ongoing basis (see Sections 0, 7.7, 9.7 above, and 11.3 to 11.6 below). Discussions with Ngāti Tama will continue throughout the resource consent and NoR process and beyond.
- The Project is of strategic importance to the region. This is reflected in a number of strategic planning documents. In particular:
 - The Taranaki Regional Economic Development Strategy (August 2017) identifies improvement of the northern highway as a ‘one-off regional game-changer’ which will improve connection and access of external (and local) business to the region by improving the ease of doing business.
 - The Regional Land Transport Plan for Taranaki 2015–2021 identifies the priority inter-regional issue for the Taranaki region is the future route efficiency, safety and reliability of SH3 travelling north over Mt Messenger, through the Awakino Gorge to Te Kuiti, Hamilton and beyond.

The Project will significantly improve connectivity of freight to and from the Taranaki region.

In addition to the matters considered in relation to s171(1), s171(1B) states:

The effects to be considered under subsection (1) may include any positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from the activity enabled by the designation, as long as those effects result from measures proposed or agreed to by the requiring authority.

- As set out above in relation to s104(1)(ab), the Project is proposed in order to address the safety, resilience and reliability issues associated with the existing Mt Messenger route. The Project will upgrade the existing safety classification of this stretch of road to Star Rating 3, improve natural hazards and operational resilience of the road, facilitate significant benefits in relation to travel time savings for light and heavy

vehicles (contributing to lower freight costs) and increase reliability of the route which has particularly cost implications for freight.

- Section 9.8.9 and Technical Report 7h describes the ecological mitigation and biodiversity offset package, which is a core part of the Project. The package has been designed to achieve a net gain in biodiversity within 10 to 15 years following construction.

11.3.4 National Environmental Standards

11.3.4.1 Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011

The NES Soil establishes a nationally consistent set of planning controls and soil contaminant values, and is applicable to the Project.

Preliminary investigations of historic and current land use activities has identified that a large portion of the proposed alignment has not been subject to potential contaminating activities (see Technical Report 12). Waste disposal to land associated with potential farm dumps at the dry stock farms at the northern and southern ends of the proposed alignment and potential impacts as a result of fly tipping along existing SH3 have been identified. A Project wide resource consent is sought for the works as identified in Section 2, and a CLMP to manage, monitor and report requirements any adverse effects is attached in Volume 5. This also identifies the requirement for a Detailed Site Investigation to be undertaken during/following detailed design works in the relevant areas of potential contaminating activities along the Project footprint. .

With these measures in place, and the consent obtained, the Project will be consistent with the provisions of the NES Soil. Adverse effects associated with disturbance of contaminated land are expected to be less than minor.

11.3.5 Other regulations

11.3.5.1 Resource Management (Measuring and Reporting Water Takes) Regulations 2010

The provisions of the Resource Management (Measurement and Reporting Water Takes) Regulations 2010 (Water Takes Regulations) apply to water permits for freshwater takes over 5 L/s, as set out in Section 4 of the Regulations.

The Water Takes Regulations set out the requirements for recording water takes and provision of these to the Regional Council. These requirements have been included in the draft conditions of consent attached as Appendix D.

11.3.6 National Policy Statements

11.3.6.1 National Policy Statement for Freshwater Management

The National Policy Statement for Freshwater Management (NPS Freshwater) sets out the objectives and policies for freshwater management under the Resource Management Act 1991. It came into effect on 1 August 2014 and amendments made in August 2017 took effect on 7 September 2017. Local authorities are required by the RMA to give effect to the NPS Freshwater through plans and policy statements.

In particular, Objectives A1 and A2 of the NPS Freshwater, which relate to the safeguarding of ecosystems and the health of communities, and to maintaining and enhancing water

quality, are of relevance. The Project includes a range of measures to safeguard aquatic ecosystems and maintain or improve water quality, including measures to manage sediment and erosion control during the construction works and treatment for stormwater runoff from the operational road surface.

The Regional Council has incorporated the relevant transitional policies relating to freshwater management into the Fresh Water Plan and an assessment of these is set out in Section 11.5.1 below and Appendix A.⁷⁰ The Project is consistent with the NPS Freshwater.

11.3.7 New Zealand Coastal Policy Statement 2010

The New Zealand Coastal Policy Statement 2010 (NZCPS) contains objectives and policies which include provisions relating to sedimentation levels and impacts on the coastal environment (Policy 22).

The Project footprint is not located in the coastal environment, however the catchments where construction will be located discharge to the Tongaporutu River to the north and the Mimi River to the south. Both of these watercourses eventually discharge to the coastal marine area. Therefore, effects of the Project on the coastal marine area have been considered (see the Marine Ecology Assessment, Technical Report 7g).

Effects of discharges from the works on the coastal marine area (namely sediment) are not anticipated to be measurable. Therefore, the Project is consistent with the NZCPS.

11.4 Regional Policy Statement for Taranaki 2010

The Regional Policy Statement for Taranaki 2010 (RPS) is a strategic document which sets out the direction of management for the use, development and protection of natural and physical resources in the Taranaki Region.

The RPS addresses a number of regional issues which are of relevance to the Project including (but not limited to): water quality, biodiversity values, natural features and landscapes, natural hazards, infrastructure and matters of significance to iwi.

The Mimi River and Tongaporutu River (where the Mangapepeke Stream discharges to) are both identified in Appendix I as River catchments of high quality or high value of their natural, ecology and amenity values. The RPS also identifies statutory acknowledgements, including Ngāti Tama (see Appendix 4B of the RPS).

A detailed assessment against the objectives and policies is included in Appendix A. Through this detailed assessment, a number of key themes have been identified as follows:

- Recognising the role of resource use and development in Taranaki;
- Supporting regionally significant infrastructure;
- Avoiding and mitigating the effects of natural hazards;
- Treaty of Waitangi, tangata whenua and cultural heritage;
- Indigenous biodiversity;
- Natural character of water bodies;

⁷⁰ These were incorporated in response to the 2014 version of NPS Freshwater, but do not require updating in response to the 2017 amendments.

- Natural features, landscapes and amenity;
- Land disturbance and soil conservation;
- Historic heritage; and
- Public health.

These themes are discussed in Sections 11.4.1 to 11.4.10 below.

11.4.1 Recognising the role of resource use and development in Taranaki

Section 4.1 of the RPS states that:

“A notable feature of the Taranaki region is its reliance on the region’s natural and physical resources for its economic and social wellbeing.”

Linked to this, the chapter recognises that

“The region’s infrastructure plays a vital role in the region’s economy and the wellbeing of its people and communities. The region’s road and rail network, Port Taranaki, New Plymouth airport, power generation facilities, radio and telecommunications facilities, transmission lines and sewage and water treatment and reticulation systems among other infrastructure, all provide essential services to the regional community and regional and national economies.”

The RPS identifies UDR⁷¹ Objective 1 as

“To recognise the role of resource use and development in the Taranaki region and its contribution to enabling people and communities to provide for their social, economic and cultural wellbeing.”

As set out in the Economics Assessment (Technical Report 4), the key drivers for the New Plymouth District economy are oil and gas exploration and extraction, manufacturing and services provided to the oil and gas, agriculture and agricultural product processing activities within the wider Taranaki Region. The key drivers of the Taranaki economy are agriculture, manufacturing (including agricultural product processing and the heavy engineering industry) and the oil and gas industry.

The Strategic Transport Assessment (Technical Report 1) notes that SH3 serves as Taranaki’s strategic cross-boundary transport link leading to the north through Mahoenui and Pio Pio in the Waikato and on to the key economic hubs of Hamilton, Tauranga and Auckland. Its availability and performance is important to the growth and economic strength of all of the Taranaki region, particularly in relation to freight connectivity. Enhancement of the SH3 connection, specifically the Mt Messenger Bypass, is therefore directly linked to providing for economic, and related social cultural wellbeing for the people and communities of Taranaki.

UDR Policy 1 states:

⁷¹ In the RPS, each of the issues, objectives, policies, methods of implementation and environmental results anticipated has been given a unique identifying number. This number is based on a three letter symbol which relates to the subsection in this part of the RPS in which the relevant issue, objective etc is found followed by a number 1, 2, 3 etc. For example, provisions relating to ‘Use and development of resources’ are prefaced by UDR

“Recognition will be given in resource management processes to the role of resource use and development in the Taranaki region and its contribution to enabling people and communities to provide for their economic, social and cultural wellbeing.”

The Project is proposed in order to address the safety, resilience and reliability issues associated with the existing Mt Messenger route. The Project will upgrade the existing safety classification of this stretch of road to Star Rating 3, improve natural hazards and operational resilience of the road, facilitate significant benefits in relation to travel time savings for light and heavy vehicles (contributing to lower freight costs) and increase reliability of the route (which has particular cost implications for freight).

In addition, the Social Impact Assessment (Technical Report 5) finds that from a social perspective, the Project will offer significant regional and local benefits once operational. Key regional benefits set out in that assessment include:

- Way of Life – greater resilience in the road network to accidents and natural hazards, and improved capacity and ease of movement for both freight and people
- Growth and Development –
 - increased competitiveness with Auckland and the Waikato by increasing the capacity of SH3 to safely handle oversized loads and more consistent journeys;
 - improved accessibility and improved trip experience for visitors;
 - enhanced accessibility for businesses, particularly those which are reliant on freight movements for production materials and access to markets;
 - residential growth becomes more attractive with regional connectedness and a reduction of the perception of isolation;
 - maintaining and enhancing regional liveability helps to retain skills and services in the region;
 - improving access and journey experience to essential facilities in the Waikato, such as Waikato hospital;
 - greater resilience in terms of trip reliability and trip-time reliability that improves competitiveness for businesses;
 - a potential to increase business activity and consequent positive, beneficial impact on employment; and
 - employment opportunities and economic activity created for local businesses and services during the construction phase.
- Wellbeing
 - improvement in the journey experience through reduction in driver frustration, by virtue of greater passing or overtaking opportunities, and a reduction in delays through being caught for long periods behind heavy vehicles; and
 - improved response times for emergency services leading to improved outcomes and reduced perception of isolation.

Overall, the Project will support the role of resource use and development in Taranaki and its contribution to the social, economic and cultural wellbeing of people and communities by improving the strategic connection from New Plymouth to the Waikato and beyond.

11.4.2 Supporting regionally significant infrastructure

Section 15.2 of the RPS explains that

“The region’s network utilities⁷² and other infrastructure are physical resources of considerable importance to Taranaki. They support human settlements and enable people and communities to meet their social, economic and cultural needs.”

Specifically, in relation to roads and SH3, the RPS states:

“Taranaki is generally well connected and serviced from a roading infrastructural perspective relative to its size and population. However, there are roading and transport infrastructure issues that require ongoing attention if Taranaki is to meet its current and anticipated growth and development needs. Some of these issues concern route security and reliability (particularly in relation to State Highway 3 north and south and State Highway 43), network efficiency and capacity (for example in relation to our rural roads and urban New Plymouth) and safety issues such as passing opportunities, road and bridge widths etc.”

The adverse effects on the environment arising from the construction, use and maintenance of regionally significant infrastructure are acknowledged in this section, but addressed more specifically elsewhere in the RPS.

INF Objective 1 is:

“To provide for the continued safe and efficient operation of the region’s network utilities and other infrastructure of regional significance (including where this is of national importance), while avoiding, remedying or mitigating adverse effects on the environment.”

The existing SH3 was originally built in 1896 and designated as a State Highway in 1935. The existing route is no longer fit for purpose (or its classification as a Regional Route) due to a number of known problems, as described in this AEE:

- Poor safety standard
- Poor route resilience and journey time reliability (subject to frequent closures, with alternative routes adding significant time to journey); and
- Poor road geometry and low speeds.

These are detailed in the Traffic and Transport Assessment (Technical Report 2). In summary, the Mt Messenger section of SH3 no longer operates on a safe or efficient basis and therefore, the Project has been developed.

INF Policy 1 states:

“Provision will be made for the efficient and effective establishment, operation, maintenance and upgrading of network utilities and other physical infrastructure of regional significance (including where this is of national importance) and provision for any adverse effects of their establishment to be avoided, remedied or mitigated as far as is practicable.”

⁷² The definition of ‘network utilities’ includes roads

As described above, the Mt Messenger section of SH3 is in need of improvement in order to continue functioning as a fit for purpose Regional Route/State Highway. In particular the Project will significantly improve connectivity of freight to and from the Taranaki region. The construction methodology set out in Section 5, along with the related technical reports in Volume 3 and management plans in Volume 5 will provide for avoiding, remedying and mitigating effects.

The sensitivity of the surrounding environment and related effects of constructing the road has been a key consideration throughout the development of the Project. Where possible, areas with significant values (eg the western Parininihi land and the Mimi swamp forest) have been avoided and environmental effects of the preferred route remedied as far as practicable. It is acknowledged that residual effects remain and therefore a substantial mitigation and biodiversity offset package is included as part of this application, with the intent of providing for a net gain in biodiversity within 10–15 years. INF Policy 1 supports this approach.

11.4.3 Avoiding and mitigating the effects of natural hazards

Section 11 contains provisions related to reducing the risk to the community from natural hazards. HAZ Objective 1 is:

“To avoid or mitigate natural hazards within the Taranaki region by minimising the net costs or risks of natural hazards to people, property and the environment of the region.”

One of the objectives of this Project is to enhance resilience and journey time reliability of the State highway network. The existing alignment of SH3 at Mt Messenger is prone to natural hazards that can affect road safety and result in traffic restrictions, delays and/or road closures for the road users and surrounding communities.

The Resilience Assessment (Technical Report 3) concludes that the construction of the Project will result in a significant improvement in resilience over the existing SH3 route to the potential natural stresses and shock challenges in the region, thereby lowering the effects of natural hazards on the route. It will achieve this through major improvements to grades and curves as well as design and construction of cuttings and embankments, engineered structures including retaining walls, stormwater culverts and a bridge and tunnel.

The alternatives assessment process took resilience into consideration, particularly geotechnical and hydrological resilience. The Project will establish an alignment that is resilient and minimises the risks posed by natural hazards.⁷³ Given the strategic significance of the SH3 connection north of New Plymouth, having a safe, reliable and resilient route for the long-term is critical.⁷⁴

The RPS also considers the implications of responding to climate change in Section 7.2. It notes:

⁷³ HAZ Policy 2

⁷⁴ HAZ Policy 6

“...there is now strong evidence that most of the warming observed is attributable to increased concentrations of greenhouse gases such as carbon dioxide, methane and nitrous oxide produced by human activities. Human activities such as deforestation, animal husbandry, the application of nitrogenous pasture fertiliser, the decomposition of organic wastes, transport, and using fossil fuels, such as coal, for industrial processing and generating electricity have produced more and more of these gases over the last century.”

In general, this may lead to an increase in the severity and frequency of extreme events such as flooding. In this regard, one of the benefits of the Project is to reduce decreased carbon dioxide emissions associated with a shorter length of road and a reduced climb with flatter grades (see Traffic and Transport Assessment, Technical Report 2).

CCH Objective 1 is

“To avoid, remedy or mitigate the adverse effects on the Taranaki environment arising from climate change

The provisions on managing effects associated with the use and development of river beds also consider natural hazards (flooding).⁷⁵ In this regard, the works in watercourses have been designed to convey flow as a minimum for the extended detention flow, as defined by the Transport Agency’s *Stormwater Treatment Standard* and, where no acceptable alternative overland flow path is available, the 100 year Average Recurrence Interval flow. The effects of climate change have been factored into the design of the Project, noting that emissions of CO₂ relating to this section of the road are expected to decline as a result of the Project.

11.4.4 Treaty of Waitangi, tangata whenua and cultural heritage

There are a number of provisions in Part C of the RPS relating to resource management issue of significance to iwi authorities, including provisions relating to taking into account the principles of the Treaty of Waitangi, recognising kaitiakitanga, recognising and providing for the relationship of Māori with ancestral lands, water, sites, wāhi tapu and other taonga, and recognising cultural and spiritual values of tangata whenua in resource management processes.

The Transport Agency recognises Ngāti Tama’s mana whenua and the significant cultural values of the wider Parininihi area (refer Section 8.4.1 and 9.7). As described in Section 7.7, the Transport Agency has undertaken extensive consultation with Ngāti Tama. This process has significantly influenced route selection and design, including avoiding the western Parininihi land, setting the Project back from Mt Messenger, and using a tunnel under the ridge.

Section 9.7 of the AEE describes how the Transport Agency has taken into account the principles of the Treaty of Waitangi, and provided for Ngāti Tama’s rangitiratanga and kaitiaki responsibilities in relation to the Project area, the route selection process, development of the Project designs, monitoring of construction, and Ngāti Tama’s ongoing relationship with the Project through the operational phase of the highway. Consultation and

⁷⁵ RLB Policy 1

collaboration with Ngāti Tama is ongoing and will continue throughout the resource consent process and beyond, including input into detailed design where it is anticipated there will be opportunities for cultural expressions to be explored and embedded within the landscape of Mt Messenger and the Mangapepeke valley.^{76 77} The Project design, the management measures set out in Volume 5, the LEDF and the ecological mitigation and biodiversity offset package have sought to protect the area from the adverse effects of the proposed activities as far as practicable, and to remedy, mitigate and offset those residual effects where avoidance has not been possible. The cultural values and relationship of Ngāti Tama to the area (including the watercourses) will be acknowledged and incorporated into the final Project design.⁷⁸

The Transport Agency has also consulted with the iwi Ngāti Maniapoto and Ngāti Mutunga, whose rohe are to the north and south of Ngāti Tama.⁷⁹

11.4.5 Indigenous biodiversity

11.4.5.1 Maintaining and enhancing indigenous biodiversity

Section 9 of the RPS contains provisions relating to maintaining and enhancing indigenous biodiversity. The background to this issue states:⁸⁰

“Since human settlement and the introduction of accompanying pests, indigenous biodiversity has been in a steady state of decline. Managing land for specific purposes (e.g. residential subdivision and landscaping, pastures optimised for agricultural productivity, and plantation forests) almost always reduces biodiversity and the richest ecosystem habitats as a consequence.

Historical land clearance and drainage have contributed to much of the reduction of indigenous habitats and the disproportionate loss of some types of terrestrial habitats such as wetlands, lowland forests and coastal environments. Because of their rarity, the protection of these habitats as self-sustaining ecosystems assumes added value and significance. Freshwater habitats and indigenous aquatic life are also affected by use and development of land and water, e.g. point and diffuse source discharges that reduce water quality, loss of habitat such as wetlands and riparian margins, and the presence of barriers to fish passage.

The impact of pest animals and weeds is the key threat to the condition of remaining indigenous habitats and the continued survival of some threatened species in Taranaki. The release and proliferation of pest fish such as koi carp and other undesirable aquatic plant and algal species in the region is also a potential issue of concern in some waterways.

Many remnant areas are also isolated and are surrounded by highly modified environments such as farmland. Furthermore, many are of a size or shape that makes

⁷⁶ See TOW Objective 1, TOW Policy 1, TOW Policy 2, KTA Objective 1

⁷⁷ See REL Objective 1, REL Policy 1, REL Policy 3, REL Policy 5,

⁷⁸ See RLB Policy 1, CSV Objective 1, CSV Policy 1

⁷⁹ See KTA Policy 1

⁸⁰ See RPS, p81

their long term ecological viability uncertain unless ecological linkages with other areas can be maintained or enhanced.”

BIO Objective 1 is

“To maintain and enhance the indigenous biodiversity of the Taranaki region, with a priority on ecosystems, habitats and areas that have significant indigenous biodiversity values.”

The ecological values present in the Project footprint and adjacent forested and wetland areas are high, although considerably diminished from their full potential because of the long term and largely unchecked impact of farm livestock and animal pests (and the effects of previous logging and fires). The adverse effects of the Project are also high and therefore a comprehensive mitigation and biodiversity offset package has been developed as a core part of the Project. This is predicted to result in a net ecological benefit which will enhance the biodiversity value of this area within the next 10 – 15 years, with significant enhancement thereafter.

BIO Policies 2, 3, 4 and 5 provide for:

- Adverse effects to be avoided, remedied or mitigated;
- Prioritising the protection, enhancement or restoration of ecosystems, habitats and areas that have significant indigenous biodiversity values⁸¹; and
- Promoting the maintenance, enhancement or restoration of indigenous biodiversity where these still important for the continuing functioning of ecological processes (even if they do not have significant values).

The Transport Agency recognises that the Project is located in a high value ecological area. In the first instance, the Transport Agency selected a Project that minimises ecological effects by avoiding particularly significant habitat (particularly the western Parininihi land), and modifying the road design to avoid and minimise adverse effects.

A comprehensive mitigation and biodiversity offset package has been developed to address potential residual effects. The Project footprint includes areas of grassed pasture and grazed bush area (particularly in the northern part of the Project) which do not have significant values. However, in relation to the mitigation package these are still important as they provide potential buffer areas to the Core Pest Management Area, along with a location for the proposed area of swamp forest restoration. Swamp forest and wetland seedlings will be propagated from local sources of seed in accordance with BIO Policy 8. Overall, the Project will result in ongoing and significant enhancement of indigenous biodiversity values over the long term.

BIO Policy 7 states

⁸¹ BIO Policy 4 sets out criteria considered in determining and identifying ecosystems, habitats and areas with significant indigenous biodiversity values. To be considered significant, a site must have values that meet at least one of the first three criteria (criterion (a), (b) or (c)) and be sustainable (criterion (d)), which takes into account the quality of the area, its naturalness and inherent ecological viability.

“In the maintenance and enhancement of indigenous biodiversity in Taranaki consideration will be given to the social and economic benefits of appropriate use and development of resources.”

There are considerable social and economic benefits from the Project (described in Section 9 of this report), and from the use and development of natural and physical resources in the area. The enhancement of safety, resilience and journey time reliability of travel on SH3 will benefit the whole of Taranaki, and in particular the growing proportion of heavy traffic carrying freight to and from key economic and transportation hubs. Overall, the Project is an appropriate use and development of resources, recognising that without the mitigation and biodiversity offset package which is a core part of the Project, the scale and nature of the Project would cause adverse environmental effects on indigenous biodiversity.

11.4.5.2 Freshwater management and aquatic ecology

There are also provisions in the RPS relating to indigenous biodiversity in Section 6.1 (Sustainable allocation of surface water resources), Section 6.2 (Maintaining and enhancing the quality of water in our rivers, streams, lakes and wetlands) and Section 6.6 (Managing effects associated with the use and development of river beds). These provisions relate particularly to freshwater management and aquatic ecology.

The Mimi River and Tongaporutu River (which the Mangapepeke Stream discharges to) are identified in Appendix I of the RPS as being *“river and stream catchments of high quality or high value for their natural, ecological and amenity values”*. These values are identified as being:⁸²

- The Mimi River has recreational and fishery values associated with whitebaiting and a good diversity of native aquatic fauna including eels, whitebait, bullies and torrent fish. The stream has aesthetic and scenic values associated with good scenic values, steep cliffs with puketea forest, high ecological values in upper reaches and the estuary is an area of outstanding coastal value. Native vegetation has been retained within the catchment.
- The Tongaporutu River has recreational and fishery values associated with a good diversity of native aquatic fauna including eels, whitebait, bullies and torrent fish and presence of threatened species, and recreational uses which include canoeing and whitebaiting. The Tongaporutu River is highly rated for aesthetic and scenic values, and the estuary is an area of outstanding coastal value. Water quantities and flows contribute significantly to high recreational, scenic and aesthetic values, and native forest is present in the upper reaches.

An estimated 3.47km of stream in the Mangapepeke and Mimi catchments will be diverted, culverted or substantially altered as a result of the Project. The affected streams have moderate to high ecological values, and a diverse fish community. Other potential effects on water courses considered in Section 9.8 and in Technical Report 7b include construction discharges, water takes during construction, fish passage effects and effects of stormwater discharge from the operational highway.

⁸² See Appendix I of the RPS

Adverse effects of the Project on the values of the Mimi and Mangapepeke catchments have been appropriately avoided, remedied or mitigated, and any residual effects offset:

- In relation to construction effects, and as set out in the CWMP (Technical Report 13), a range of structural and non-structural construction water management measures are proposed for the Project.⁸³ The CWAR concludes that overall, provided that appropriate construction water management measures are implemented, any adverse construction water related effects arising from the construction of the Project will be less than minor. This conclusion is supported in the Aquatic, Marine and Vegetation Assessment Reports.
- Adverse effects on upstream fish passage during construction (which could potentially be restricted when culverts are installed and water is flowing through any temporary diversion pipes) are considered to be negligible to low (see Technical Report 7b).⁸⁴
- During construction, water takes from Mimi River catchment and the Mangapepeke Stream (a sub-catchment of the Tongaporutu River catchment) are proposed. In order to protect these in-stream values, it is proposed that water takes are restricted to no more than 20% of the water depth at the time of the take, noting that the take will be temporary and utilised during construction only.⁸⁵
- Once the road is constructed, the methods to avoid and mitigate the permanent adverse effects out in the Freshwater Ecology Assessment and the Ecological Mitigation and Offset Report are considered to appropriately avoid, mitigate and remedy the adverse effects resulting from the construction of the Project.⁸⁶
- As set out in the Ecological Mitigation and Offset Report (Technical Report 7h), restoration of 8.9km of riparian margin is proposed following the completion of works. Stream restoration work will consist mostly of planting of a 10m buffer on each side of the channel and fencing of the stream and buffer plantings from livestock. This is considered to provide an effective riparian buffer along these lengths of stream.⁸⁷
- Technical Report 7h notes that the proposed offset riparian planting will provide shade and organic matter to the stream channel to improve the quality of habitat for native fish and invertebrates, and a reduction of sediment and nutrient loads entering the streams. In addition, where the swamp forest restoration planting and stream restoration planting areas can coincide along the Mangapepeke Stream valley, the net ecological benefit will be substantial and considerably greater than if the swamp forest and riparian forest restoration plantings were undertaken in fragmented fashion.⁸⁸

⁸³ See WQU Objective 1

⁸⁴ See WAL Objective 1, RLB Policy 1, WQU Objective 1

⁸⁵ See WAL Policy 2

⁸⁶ See RLB Objective 1, WQU Policy 1

⁸⁷ See WQU Policy 1

⁸⁸ See WQU Policy 2

- Fish passage will be provided for permanent culverts. Further, it is likely that the riparian planting will improve ecosystem functions, by reducing streambank erosion and trampling of spawning sites.⁸⁹
- The basis of stormwater design is collecting and conveying runoff in a safe, low maintenance and simple drainage network; using culvert crossings to maintain flows across valleys and natural flowpaths; minimising stream diversions where practical, and improving existing streams where diversions are necessary; constructed wetlands will collect road run-off and provide treatment, extended detention to minimise scour/erosion of streams and contain emergency spills; and fish passage, where it exists naturally, will be maintained. Overall, the operational stormwater discharge will comply with the Regional Council permitted activity standards.⁹⁰

Overall, the Project is considered to be consistent with the objectives and policies relating to freshwater management and aquatic ecology.

11.4.6 Natural character of water bodies

The preservation of the natural character of wetlands and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development is a matter of national importance under s6 of the RMA. The RPS contains provisions which reflect this direction in Section 6.4 (Protecting the natural character of wetlands) and Section 6.6 (Managing effects associated with the use and development of river beds).

For this Project, natural character especially relates to the existing natural elements, processes and patterns, in particular the natural movement of water; and natural experiential attributes of the Mangapepeke Stream systems and the Mimi swamp forest (refer Section 9.9 and Technical Report 8a). In this regard, natural character is considered within a range from pristine to modified. Where the degree of natural character generally reflects the absence of buildings and other human influences, the presence of original landforms and vegetation cover (particularly indigenous vegetation) together with other ecological patterns, water bodies and natural movement of water and sediment, as well as experiential attributes.

11.4.6.1 Natural character of wetlands

Section 6.4 of the RPS notes that:

“Prior to European settlement much of the Taranaki landscape was covered in wetlands, but since that time 98.5% of these areas have been drained or filled for agricultural production and urban development, leaving the region with a relative scarcity of wetland habitats, well below the national average. Because of their scarcity, the remaining wetlands have a heightened value.”

Kahikatea swamp maire forest and Kahikatea forest are present within and immediately adjacent to the Project footprint. Of particular note, the Mimi swamp forest in the northern Mimi River catchment immediately adjacent to the Project footprint contains habitat for a wide range of threatened plants, and has high ecological value (see Technical Report 7a).

⁸⁹ See RLB Policy 1

⁹⁰ See WQU Policy 1

The northern parts of the upper Mimi Valley affected by the Project are of moderate natural character value from a landscape perspective due to the relative proximity of the existing SH3 corridor (see Technical Report 8a).

The natural character of the Mimi swamp forest has been protected⁹¹ by locating the road alignment to avoid directly impacting on this wetland, and includes a bridge to the west of the wetland area will preserve the natural landform of the steep gully that feeds directly into this wetland. All road drainage will be diverted away from the system to storm water treatment areas downstream of the wetland.

Two small additional areas of this habitat type are affected: a small stand of kahikatea and swamp maire in the Mimi catchment and another area of pole kahikatea in the Mangapepeke Valley. Approximately 11 ha of rushland/sedgeland mosaic community will potentially be affected in the lower Mangapepeke Valley, which contains areas of low producing pasture and rushland in the areas of imperfectly drained soils and intermittently wet ground. While modified from grazing and exotic weed invasion, these sedgeland communities meet the “wetland” definition in the RMA and are assessed as having moderate ecological value (see Technical Report 7a) and low–moderate natural character (see Technical Report 8a).

The ecological mitigation and biodiversity offset package involves the creation or restoration of similar wetland habitat. This will include planting of suitable species of a similar composition to communities in the Mimi swamp forest. While there will be some adverse effects on natural character in those locations affected by construction and the operational highway, the mitigation and biodiversity offset package will enhance natural character in the offset locations in the medium to long-term.

WET Policy 2 states:

“The enhancement and creation of wetland areas will be encouraged, where appropriate.”

In this regard, the proposed offset mitigation includes 6ha of swamp forest restoration planting to fully offset the loss of the kahikatea and swamp maire forest by the Project. In addition, three constructed wetlands are proposed to treat stormwater from the road once this is operational.

11.4.6.2 Natural character of rivers

Provisions of Section 6.6 seek to avoid, remedy or mitigate adverse effects on natural character of rivers (see RLB Objective 1 and RLB Policy 1).

The landscape, natural character and visual assessment (Technical Report 8a) considers the natural character of the area to be moderate–low (Lower Mangapepeke Valley), moderate–high (Upper Mangapepeke Valley) and moderate (northern part of the Mimi catchment). The northern and southern tie in sections, the lower Mangapepeke Valley and the southern Mimi Valley sections represent the most modified areas of the Mangapepeke and Mimi River systems. As such the natural character effects of the Project on these areas is low, due to the existing human influence on rural character and land use activities (including SH3 in the lower part of the Mangapepeke valley and also in the lower Mimi valley). However, works in

⁹¹ WET Objective 1, WET Policy 1

the upper Mangapepeke valley will require filling and diversion of the natural stream in this location and adverse effects are considered to be moderate / high.

As set out in Technical Report 8a, the Project addresses adverse natural character effects by:

- Minimising the stream and valley crossings throughout the alignment;
- Maintaining and enhancing natural stream environments where practically possible;
- Mitigating stream disturbance through appropriate stream diversions of comparable natural character where practical;
- Offering a significant opportunity to enhance the natural character of the Mangapepeke Stream corridor and valley through the ecological mitigation and biodiversity offset package (see Technical Report 7h); and
- Offsetting effects on watercourses through riparian plantings and stream restoration

Overall, the Project is consistent with the provisions in Section 6.6 which seek to avoid, remedy or mitigate adverse effects on natural character of rivers.

11.4.7 Natural features and landscapes

NFL Objective 1 is:

“To protect the outstanding natural features and landscapes of the Taranaki region from inappropriate subdivision, use and development, and to appropriately manage other natural areas, features and landscapes of value to the region.”

There are no outstanding natural features or landscapes within the Project footprint.

However, the Project area does have other natural areas, features and landscapes of some value as set out in the landscape, natural character and visual assessment (Technical Report 8a and the Ecological Reports 7a–7h). The landscape and area surrounding the Project footprint could be characterised as having a number of the values listed in NFL Policy 2, including:

- high water quality, particularly in the headwaters of the Mangapepeke and Mimi Streams;
- vegetated, steep hill country which is prone to erosion;
- moderate–high natural character values associated with the Upper Mangapepeke Valley;
- the alluvial and swamp forest vegetation communities present within the northern tributary of the Mimi River and the Mangapepeke Stream including kahikatea forest, kahikatea swamp maire forest, swamp maire forest, and kahikatea treeland has a high ecological value; and
- the entire area is culturally significant to Ngāti Tama.

As described in Section 9.9, the mitigation proposed as set out in the LEDF and ecological mitigation and biodiversity offset package is an appropriate response to the nature and scale of the Project and its effects on these landscape values. The design of the Project has been developed to:

- Retain the key ridgelines defining the landscape by using a tunnel, and minimising effects on landform and bush;

- Include a bridge across the Mimi swamp forest area;
- Minimise stream and valley crossings by keeping to the sides of the valleys;
- Develop cut faces that echo natural slope angles;
- Promote natural succession re-vegetation;
- Integrate landscape and ecological rehabilitation;
- Provide an opportunity for cultural expression and recognition; and
- Promote a scenic journey experience.

NFL Policy 3 states:

The protection of outstanding and where appropriate, other natural features and landscapes of value shall be achieved by having regard to the following criteria in determining appropriate subdivision, use and development:

- a the value, importance or significance of the natural feature or landscape at the local, regional or national level;*
- b the degree and significance of actual or potential adverse effects on outstanding natural features and landscapes or other important natural features and landscapes, including cumulative effects, and the efficacy of measures to avoid, remedy or mitigate such effects;*
- c the benefits to be derived from the use and development at the local, regional and national level;*
- d the extent to which the subdivision, use or development recognises or provides for the relationship of tangata whenua and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga;*
- e the need for use or development to occur in the particular location;*
- f the sensitivity or vulnerability of a natural feature or landscape to change, and its capacity to accommodate change, without compromising the values of the feature or landscape;*
- g the degree of existing modification of the natural feature or landscape from its natural character;*
- h the degree to which financial contributions associated with any subdivision, use and development can be used to offset actual or potential adverse effects arising from those activities.*

In regards to NFL Policy 3:

- The upper Mangapepeke Valley is of moderate to high natural character value due to the unmodified stream corridor and indigenous vegetation cover combined with relatively strong ridge and spur landforms (refer Section 9.9). The lower Mangapepeke Valley is more modified. On the other side of the ridge, the Upper Mimi Valley is considered to have moderate natural character value.
- Section 9.9 describes the values and presents an assessment of landscape, natural character and visual effects (refer Technical Report 8a for details), along with the measures to avoid, remedy, mitigate or offset these effects. These resources are incorporated in the LEDF (Technical Report 8b) and the mitigation and biodiversity

offset package and ELMP (refer Section 9.8.9). These measures are considered to appropriately address the level of adverse effects anticipated as a result of construction.

- As set out previously, SH3 is the key transport connector for Taranaki to Waikato and further north. Improving the connection is anticipated to result in regional benefits to people's way of life (through greater resilience in the road network to accidents and natural hazards, and improved capacity and ease of movement for both freight and people), growth and development and wellbeing including through the improvement in journey experience.
- The relationship of Ngāti Tama to the land affected by the Project has been central to the development of the Project. Consultation is ongoing and will remain so throughout the Project.
- A number of locations were examined throughout a detailed alternatives assessment process. The Project route was selected as the preferred location for a variety of reasons (see Section 6 of the AEE and Volume 4).
- The landscape, natural character and visual assessment (refer Section 9.9) found that the Project is predominantly within a contained valley system that has a moderate capacity to accommodate landscape change.
- Financial contributions are not proposed. However, the mitigation and biodiversity offset package proposed is extensive, including for pest management over 560ha. This package will offset the residual effects and result in long-term ecological enhancement.

11.4.8 Land disturbance and soil conservation

Protecting Taranaki soil from accelerated erosion is identified as a key issue in Section 5.1 of the RPS. The Project is located in inland hill country, which is identified as erosion-prone in the RPS.

Best erosion and sediment control practises will be employed by the Project during construction, in accordance with the Transport Agency Erosion and Sediment Control Guidelines for State Highway Infrastructure, as set out in the CWMP. Areas with slopes exceeding 30% will be subject to a high level of detailed erosion and sediment control planning design and ongoing contractor monitoring (with responses as necessary). Overall, it is considered that practices that cause accelerated erosion will be avoided where practicable and remedied and mitigated using best practice where avoidance is not practicable. This is considered to be consistent with AER Objective 1 and AER Policy 1, which seek to maintain and enhance the soil resource of the Taranaki region, encourage the sustainable use and development of land and soil resources, and minimise soil erosion.

Both the Mimi River and the Mangapepeke Stream (via Tongaporutu River) eventually discharge to the coastal marine area.

11.4.9 Historic heritage

Historic heritage provisions are contained in Section 10.2 of the RPS. HIS Objective 1 and HIS Policy 2 are relevant to this Project, and require that historic heritage values are protected from inappropriate subdivision, use and development.

No known archaeological or other historic heritage sites will be affected by the proposed construction of the Project (see Technical Report 9). An ADP is proposed to provide for the possibility of unrecorded archaeological sites being uncovered during construction.

11.4.10 Public health and amenity values

11.4.10.1 Public health

Public health related issues identified in the RPS include managing the effects of hazardous substances and contaminated sites (Section 5.3) and maintaining air quality (Section 7.1)

In relation to hazardous substances and contaminated sites, the PSI contained in Volume 3 of the AEE (Technical Report 12) has identified potential contaminated land along the Project footprint, although a large portion of the proposed alignment has not been subject to potential contaminating activities. Provided the procedures set out in the CLMP attached in Volume 5 are adopted, the potential for environmental effects from contaminated land are expected to be less than minor.⁹²

Management of hazardous substances associated with the construction period, including the storage, use, transportation and disposal of these substances, will be undertaken in a manner which avoids, remedies or mitigates adverse environmental effects as set out in the CEMP (and the CWMP in relation to non-sediment contaminant management).

In relation to maintaining air quality, existing air quality in the vicinity of the Project is good. Modelling has found that operational vehicle emission discharges will not affect air quality (see Technical Report 11). The Project will not generate contaminants in a manner than has adverse effects on human health or the environment, and odour is not considered to be an issue.

The potential effects of dust generated during construction works has been assessed (refer Section 9.15.2). Three potential receptors have been identified in proximity to the works. Any dust effects will be appropriately managed via a DMP (see Volume 5).

In summary, dust can be appropriately managed to ensure there any effects are no more than minor. With DMP measures in place the Project is considered to be consistent with the relevant air quality provisions (AQU Objective 1, AQU Policy 1, AQU Policy 2).

11.4.10.2 Amenity values

Section 10.3 of the RPS sets out provisions relating to maintaining and enhancing amenity values. AMY Policy 1 states:

“The adverse effects of resource use and development on rural and urban amenity values will be avoided, remedied or mitigated and any positive effects on amenity values promoted. Any positive effects of appropriate use and development will be fully considered and balanced against adverse effects. Those qualities and characteristics that contribute to amenity values in the Taranaki region include:

- a safe and pleasant living environment free of nuisance arising from excessive noise, odours and contaminants, and from traffic and other risks to public health and safety;*

⁹² See HZC Objective 1, HZC Policy 4. HAC Policy 5

- a *scenic, aesthetic, recreational and educational opportunities provided by parks, reserves, farmland, and other open spaces, rivers, lakes, wetlands and their margins, coastal areas and areas of vegetation;*
- b *a visually pleasing and stimulating environment;*
- c *efficient, convenient and attractive urban forms; and*
- d *aesthetically pleasing building design, including appropriate landscaping and signs.”*

Effects of the Project on the qualities and characteristics listed above are as follows:

- a Construction noise and vibration, air quality and traffic effects have been assessed and are considered to be less than minor. Construction noise in proximity to the dwelling at 2397 Mokau Road may require specific measures to management noise effects (see Section 9.15.3 and Technical Reports 10). Once operational, the road will operate at a similar level to the existing SH3 but will be safer and easier to drive.
- b The existing recreational opportunities will be maintained and enhanced (with safer access provided), particularly to the Mimi River and surrounds via the Kiwi Road track. The wider scenic amenity qualities of the surrounding environment have also been maintained through route selection and keeping the road low in the landscape. In addition, the new route is likely to provide road users with a scenic wilderness and amenity experience.
- c The design principles set out in the LEDF include “*creating an aesthetically pleasing experience for travellers that derives from the highway following and ‘fitting in’ with the natural landscape patterns*” and “*creating a straight-forward and uncluttered aesthetic to the highway by such means as attention to the details of the highway edge, and a refined and pared-back suite of elements (such as barriers, signs, drainage structures)*”. The key mitigation measures proposed as a core part of the Project (integration of earthworks and batters with natural landforms, naturalised stream diversions, mitigation plantings and ecological restoration) are anticipated to result in a visually pleasing and stimulating connection between Taranaki and the north.
- d (Not applicable as the route is located in a rural area.)
- e Buildings associated with the Project include hydrant tanks and a tunnel control building. These will be screened, and the tunnel control building set into the landscape. Details of landscape design and treatment, including the hydrant tank and tunnel control building, are set out in Section 5 of the LEDF.

Overall, the Project will a minor adverse effects on amenity values, and will enhance values once mitigation planting is established.

11.5 Regional plans assessment

The Regional Council has prepared four regional plans to assist the Council to carry out its functions under the RMA. Of these, the Regional Fresh Water Plan for Taranaki (Fresh Water Plan), the Regional Soil Plan for Taranaki (Soil Plan) and the Regional Air Quality Plan for

Taranaki (Air Quality Plan) are relevant to this proposal⁹³. Each plan identifies the specific resource management issues to be addressed by the Council within the particular scope and purpose of that plan, and each contains objectives and policies in relation to those issues and detailed methods to implement the policies. The plans are intended to be read in an integrated fashion.

The relevant objectives and policies of the regional plan provisions are addressed in full in Appendix A. The following sections provide a summary of the assessment against the provisions of each plan.

11.5.1 Regional Fresh Water Plan for Taranaki 2001

The purpose of the Fresh Water Plan is to assist the Regional Council to promote the sustainable management of the fresh water resources of the region. Of particular relevance to this Project, the Mimi River and the Tongaporutu River (which the Mangapepeke Stream discharges into) are identified as a stream of value in Appendix IA of the Fresh Water Plan. As set out in Appendix 1A, the values identified in relation to these catchments are as follows:

- The Mimi River has recreational and fishery values associated with whitebaiting and a good diversity of native aquatic fauna including eels, whitebait, bullies and torrent fish. The stream has aesthetic and scenic values associated with good scenic values, steep cliffs with puketea forest, high ecological values in upper reaches and the estuary is considered to be an area of outstanding coastal value.
- The Tongaporutu River has recreational and fishery values associated with a good diversity of native aquatic fauna including eels, whitebait, bullies and torrent fish and presence of threatened species, and recreational uses which include canoeing and whitebaiting. The Tongaporutu River is highly rated for aesthetic and scenic values, and the estuary is considered to be an area of outstanding coastal value. Water quantities and flows contribute significantly to high recreational, scenic and aesthetic values, and native forest is present in the upper reaches.

Table 11.1 below sets out a summary assessment of the plan provisions against key themes. Overall the Project is consistent with the objectives and policies of the Fresh Water Plan.

⁹³ The fourth plan, the Regional Coastal Plan for Taranaki, is applicable to activities within the coastal marine area only and is not relevant to this Project.

Table 11.1 – Regional plan provisions

Key theme	Provision reference	Comment
Enabling appropriate use and development of fresh water	Objective 5.1.1 Policy 5.1.1	<p>SH3 connects Taranaki’s primary sectors to markets in the north, tourist routes and access to health, cultural and other services. The Project, including associated use and development of the freshwater resources within the Project footprint and the water take locations, will ultimately provide for social, economic, and cultural wellbeing for the people and communities of Taranaki by enhancing driver safety and travel experience along this part of the route.</p> <p>The Project provides regionally significant positive benefits to people and communities, including greater resilience in the road network to accidents and natural hazards, and significantly improved capacity and ease of movement for both freight and people which is beneficial for regional growth and development and wellbeing (see the Social Impact Assessment, Technical Report 5).</p>
Treaty of Waitangi, tangata whenua and cultural heritage	Objective 4.1.1 Policy 4.1.1 Policy 4.1.2 Policy 4.1.3 Policy 4.1.5 Policy 6.1.3 Policy 6.2.1 Policy 6.6.9	<p>The Transport Agency recognises Ngāti Tama’s mana whenua and the significant cultural values of the wider Parininihi area (refer Section 8.4.1 and 9.7). As described in Section 7.7, the Transport Agency has undertaken extensive consultation with Ngāti Tama. This process has significantly influenced route selection and design, including avoiding the western Parininihi land, setting the Project back from Mt Messenger, and using a tunnel under the ridge.</p> <p>Section 9.7 of the AEE describes how the Transport Agency has taken into account the principles of the Treaty of Waitangi, and provided for Ngāti Tama’s rangitiratanga and kaitiaki responsibilities in relation to the Project area, the route selection process, development of the Project designs, monitoring of construction, and Ngāti Tama’s ongoing relationship with the Project through the operational phase of the highway.</p> <p>Consultation and collaboration with Ngāti Tama is ongoing and will continue throughout the resource consent process and beyond, including input into detailed design where it is anticipated there will be opportunities for cultural expressions to be explored and embedded within the landscape of Mt Messenger and the Mangapepeke valley.</p> <p>The Project design, the management measures set out in Volume 5, the LEDF and the ecological mitigation and biodiversity offset package have sought to protect the area from the adverse effects of the proposed activities as far as practicable, and to remedy, mitigate and offset those residual effects where avoidance has not been possible.</p>

Key theme	Provision reference	Comment
		<p>The cultural values and relationship of Ngāti Tama to the area (including the watercourses) will be acknowledged and incorporated into the final Project design.</p> <p>The Transport Agency has also consulted with Ngāti Maniapoto and Ngāti Mutunga.</p> <p>Engagement and collaboration with iwi is ongoing and will be continued through the Project.</p>
Indigenous biodiversity	<p><u>Fresh Water Plan:</u></p> <p>Objective 3.1.2</p> <p>Objective 3.1.4</p> <p>Objective 3.1.6</p> <p>Policy 3.1.2</p> <p>Policy 3.1.3</p> <p>Policy 3.1.4</p> <p>Policy 5A.1.1</p> <p>Policy 6.1.3</p> <p>Policy 6.1.4</p> <p>Policy 6.1.5</p> <p>Policy 6.2.1</p> <p>Policy 6.2.2</p> <p>Objective 6.3.2</p> <p>Policy 6.6.1</p> <p>Policy 6.6.2</p> <p>Policy 6.6.9</p>	<p>As described in Section 9.8 (and in Technical Report 7b), an estimated 3.47km of stream in the Mangapepeke and Mimi catchments will be diverted, culverted or substantially altered as a result of the Project. Other potential effects on water courses considered in Section 9.8 and in Technical Report 7b include construction discharges, water takes during construction, fish passage effects and effects of stormwater discharge from the operational highway</p> <p>The proposed methods to avoid, mitigate or offset the adverse effects of the Project are set out in Section 9.8.9 and Section 10. Restoration of 8.9km of riparian margin is proposed following the completion of works. Stream restoration work will consist mostly of planting of a 10m buffer on each side of the channel and fencing of the stream and buffer plantings from livestock. The proposed mitigation and offset methods appropriately avoid, mitigate and remedy the adverse effects resulting from the construction of the Project and will result in a net positive effect in the short-medium term. In addition, in order to avoid or mitigate adverse effects of the proposed water takes, the proposed take is restricted to no more than 20% of the water depth at the time of the take.</p> <p>Allowing for these mitigation and biodiversity offset measures, the life supporting capacity of water and aquatic ecosystems affected by the Project will be maintained and enhanced.</p>

Key theme	Provision reference	Comment
Natural character of water bodies	Objective 3.1.2 Objective 3.1.3 Policy 3.1.2 Policy 3.1.4 Objective 3.1.2 Policy 6.1.3 Policy 6.6.9	Natural character and water quality characteristics vary between the catchments affected by the Project. It is acknowledged that there are residual adverse effects of the Project particularly in the upper Mangapepeke Valley which has moderate-high natural character values. Mitigation and biodiversity offset package that is included as a core part of the Project. The package has a high likelihood of substantially reversing the diminished state of the ecology in those areas where the mitigation is targeted, and achieving a net gain in biodiversity within 10 to 15 years following construction. This is considered to be an overall improvement to natural character values, and a sustainable approach to a project of this scale and nature.
Water allocation		There are no consented water takes downstream of the Project construction water takes. There may be permitted activity takes related to agricultural use however the proposed water takes associated with construction are unlikely to affect the water available for this use. As described in Section 9.8.7 (and in Technical Report 7a), the approach to restrict water takes to no more than 20% of the water depth at the time of the take is considered to be conservative and would offer a high level of protection considering the climate, and short term use. The water intakes will also be appropriately designed to exclude fish.
Avoiding and mitigating natural hazards (flooding and erosion)	Objective 6.6.2 Policy 6.6.1 Policy 6.6.3 Policy 6.6.8	Issue 6.6 relates to adverse effects on the environment from uses of river and lake beds. This section contains provisions specifically relating to flooding and erosion, including the unintentional impoundment of water, reductions in the capacity of river channels to convey flood flows, adverse effects of flooding on adjacent properties or uses and erosion or accretion of river and lake beds or banks. The Project has been designed to convey flow as a minimum for the extended detention flow, as defined by the Transport Agency's Stormwater Treatment Standard and, where no acceptable alternative overland flow path is available, the 100 year Average Recurrence Interval flow. Sediment control devices will be located outside the 20-year ARI flood level where this can be practically achieved. It is recognised there will be limited ability within the lower valley floor locations to achieve this. In that case where sediment control devices are required within the 20-

Key theme	Provision reference	Comment
		year ARI flood level, they will be designed to capture the minimum catchment area and will be subject to an increased inspection and maintenance regime.
Public access and amenity values	Objective 3.1.2 Objective 3.1.5 Policy 3.1.2 Policy 3.1.4 Objective 3.1.2 Policy 6.1.3 Policy 6.6.9	<p>Public access and amenity are considered in Section 9.6 and 9.9. Existing public access will be maintained, except if there are health and safety issues with keeping the Kiwi Road track open during construction of that part of the Project. The Kiwi Road track will be re-directed under the new SH3 bridge once this is completed and safe access to it from SH3 will be provided. It is noted that there are also opportunities to consolidate the track access areas for better amenity for the start of both the Kiwi Road and Mt Messenger Tracks once construction is complete.</p> <p>The net recreational effects of the Project are positive.</p> <p>Aesthetic and scenic values of the Project footprint have been taken into account as part of the design process, including alternatives assessment. The design and mitigation package set out in the LEDF (Appendix 8b) and ELMP is an appropriate response to the nature and scale of the Project and associated adverse effects.</p>

11.5.2 Regional Soil Plan for Taranaki 2001

The purpose of the Soil Plan is to assist the Taranaki Regional Council to carry out its soil conservation functions under the RMA. Issue 1 is identified as being accelerated erosion (soil loss) as a result of inappropriate land management practices.

The Soil Plan identifies that in the hill country (where this Project is located), natural erosion rates vary with higher rates occurring on the steep, wet hills further inland. The hill country makes up 55% of the region, or just over 400,000 hectares. Research has shown that slopes greater than 28° are particularly susceptible to mass movement erosion (slipping, slumping or flowing of the subsoil). Mass movement is often triggered by high rainfall events, and is accentuated by the sharp contact between the soil and the relatively impermeable sandstone, siltstone and mudstone bedrock.⁹⁴

The CWMP contains measures focused on avoiding, remedying and mitigating erosion. Best practise erosion and sediment control practises will be employed by the Project during construction, in accordance with the Transport Agency Erosion and Sediment Control Guidelines for State Highway Infrastructure, as set out in the CWMP.

Erosion control will be the highest priority in the design of erosion and sediment control measures. Higher risk areas will be subject to a specific risk assessment and the implementation of appropriate best practice erosion and sediment control measures over and above those typically implemented for standard earthworks projects.

Areas with slopes exceeding 30% will be subject to a high level of detailed erosion and sediment control planning design and ongoing contractor monitoring, as defined through an adaptive monitoring programme. Overall, practices that cause accelerated erosion will be avoided where practicable and appropriately remedied and mitigated where avoidance is not practicable.

Overall the Project is consistent with the objectives and policies of the Soil Plan.

11.5.3 Regional Air Quality Plan for Taranaki 2011

The purpose of the Air Quality Plan is to assist the Taranaki Regional Council to carry out its functions under the RMA to promote the sustainable management of the air resource of the Taranaki region.

Provisions include direction to maintain the existing high standard of ambient air quality in the Taranaki region and to improve air quality in those instances or areas where air quality is adversely affected, whilst allowing for communities to provide for their economic and social wellbeing, and to safeguard the life-supporting capacity of air throughout the Taranaki region.

Overall, the existing standard of ambient air quality in the wider Project area and Taranaki more broadly will be maintained in the long-term. The key discharge to air during construction works will be dust. Dust will be managed with a particular focus on amenity and aesthetic qualities for sensitive receptors located near the construction site.

⁹⁴ Soil Plan, p19–20

High dust loadings, of a magnitude likely to cause adverse effects on vegetation, are unlikely to occur beyond around 10m from the construction footprint. Mitigation measures to address 'edge effects' on the bush margins are proposed in the Assessment of Ecological Effects – Vegetation (Technical Report 7a, Volume 3 of the AEE).

There is the possibility that construction activities may encounter old “farm dumps” containing potentially odorous material. While these may cause very localised odours, they are located some distance from sensitive receptors. On this basis, there is unlikely to be any offensive or objectionable effects of odour associated with the Project.

The operational phase of the Project will give rise to emissions of contaminants from motor vehicle exhaust and brake and tyre wear. As discussed in the Air Quality Assessment (Technical Report 11), the effects of operational discharges to air on human or animal health, or ecosystems, are predicted to be negligible.

Overall, the Project is consistent with the provisions of the Air Quality Plan, particularly with the implementation of the DMP attached in Volume 5.

11.6 New Plymouth Operative District Plan 2005

The New Plymouth Operative District Plan (District Plan) became operative in August 2005. It includes objectives, policies and rules that manage the adverse effects of activities on the environment in the New Plymouth District with a focus on land use and subdivision activities. The Project is zoned as Rural Environment under the District Plan. There are no relevant overlays.

Sections 11.6.1 to 11.6.10 below summarise the key themes of the relevant objectives and policies of the plan and provides an assessment against these themes, drawing on the assessment outlined in Appendix A of the AEE.

11.6.1 Efficient operation of the road transportation network

Objective 20 of the District Plan is:

“To ensure that the road transportation network will be able to operate safely and efficiently.”

The main driver for the Project is to improve the operation, including the safety and efficiency, of SH3. As set out in the Strategic Transport Report (Technical Report 1), continued growth of the Taranaki region (and the importance of Auckland, Hamilton and Tauranga) has steadily added pressures and exposed shortcomings within the northern arterial connections serving New Plymouth and the wider Taranaki region. These pressures and the associated limitations are especially evident along the length of SH3 north from New Plymouth including Mt Messenger section, where the road is no longer fit for purpose. The safe and efficient operation of the road transportation network will be significantly improved by the Project compared to the existing Mt Messenger route, which will be upgraded from a Star Safety Rating of 2 to a Star Safety Rating of 3.

Policies 20.3 and 20.4 relate to the effects on the road transportation network by land use activities and signs. As set out above, the safe and efficient operation of the road transportation network will be improved by the Project. During construction, the CTMP will

manage traffic interactions with the existing SH3. Signs will be erected in accordance with the Transport Agency's Manual of traffic signs and markings.

Objective 22 is:

"To avoid the adverse effects of subdivision, use and development by ensuring appropriate and sufficient infrastructure, community facilities and new areas of open space are provided."

The Project will assist in future-proofing SH3 to allow for future growth of the Taranaki region by providing fit for purpose infrastructure. While strategically important, the existing road does not currently provide an adequate level of service. The Project will significantly improve the connectivity of vehicles freight to and from the Taranaki region, appropriately reflecting the Regional Route classification of SH3.

Overall the Project will be consistent with the objectives and policies relating to the road transportation network and infrastructure.

11.6.2 Natural hazards

Objective 12 is:

"To avoid or mitigate any actual or potential adverse effects of natural hazards on people, property and the environment."

Policy 12.1 further states:

"Subdivision, land use and development should be designed and located to avoid or mitigate the adverse effects of natural hazards on human life, property, infrastructure and the environment."

The Project will enhance the resilience of SH3 by providing a new, modern, fit for purpose and resilient route. The present route is substandard and not resilient to natural hazards. The Project will provide better reliability for businesses and the wider community, district and region both in reducing the effects of natural hazards on the SH3 corridor and proving a resilient lifeline route north in the event of a natural hazard (including connecting to Waikato hospital).

The alternatives assessment used resilience as one of the assessment criteria, which highlighted options where resilience of the road would be decreased, or significant works required to address resilience to natural hazards (namely landslides). The Project route will improve the resilience of the Mt Messenger section of SH3, and therefore the robustness of the broader regional transport network to natural hazards.

The Project will not increase the likelihood or magnitude of natural hazard events. In particular, construction activities will be undertaken in accordance with the CEMP and the CWMP to manage potential for increased natural hazard events eg erosion or exacerbation of flooding event consequences. The Project has been designed to reduce the area of vegetation being removed, such as by reducing the footprint of the works and by constructing tunnels and bridges.

Overall, the Project will have a net positive effect on regional and district resilience to natural hazards, particularly by reducing the possibility of SH3 closures due to natural hazards (eg landslips).

Overall the Project will be consistent with these objectives and policies.

11.6.3 Tangata whenua values

Objective 19 states:

“To recognise and provide for the cultural and spiritual values of tangata whenua in all aspects of resource management in the district in a manner which respects and accommodates Tikanga Maori.”

Parininihi and the surrounding area have profound cultural significance to Ngāti Tama. The Agency acknowledges the strong and longstanding connection between Ngāti Tama and the area within and around the corridor, the role of Ngāti Tama as kaitiaki of the area, and the centrality of the principles of Te Tiriti o Waitangi to this Project.⁹⁵

As set out above in relation to the RPS, in its ongoing engagement with mana whenua and particularly Ngāti Tama, the Transport Agency has taken into account the principles of the Treaty of Waitangi especially the principle of partnership, along with recognition of the spiritual relationship that tangata whenua have with the environment and acknowledgement of Ngāti Tama’s rangitiratanga and kaitiaki responsibilities in relation to the Project area.⁹⁶ The Transport Agency has acted (and will continue to act) co-operatively with iwi to facilitate an inclusive and responsive engagement process based on good faith and mutual respect.

Ngāti Tama representatives were involved in the design process throughout the Project, including the options assessment process, providing valuable understanding of the natural and physical resources in the area in addition to providing input on the options assessment and the design process. The alignment avoids directly affecting the western Parininihi land, but there remain significant potential cultural effects from the location of the road within Ngāti Tama land.⁹⁷ The process of identifying methods for mitigating the cultural effects of the Project will be iterative, involving ongoing consultation and collaboration between Ngāti Tama and the Transport Agency, and will incorporate input and discussions on land acquisition, design development, the mitigation package, construction and operation as set out in the effects assessment in Section 9.7 of the AEE.

Overall the Project will be consistent with the objective and policies relating to tangata whenua values.

11.6.4 Indigenous vegetation

Objective 16 is:

“To sustainably manage, and enhance where practical, indigenous vegetation and habitats”. The related Policy 16.2 states, “Land use, development and subdivision should not result in adverse effects on, and should enhance where practical, the quality and intrinsic values of areas of indigenous vegetation and habitats.”

The ecological values present in the Project footprint and adjacent forested and wetland areas are high, although considerably diminished from their full potential because of the

⁹⁵ Policy 19.4

⁹⁶ Policy 19.3

⁹⁷ Policy 19.2

long term and largely unchecked impact of farm livestock and animal pests (and the effects of previous logging and fires).

The focus throughout the Project has been to avoid, remedy, mitigate or offset potential effects, including effects on indigenous vegetation. In the first instance, a Project option has been selected that minimises ecological effects by avoiding particularly significant habitat (particularly the western Parininihi land).

A core part of the Project has been to develop a robust ecological mitigation and biodiversity offset package. This package achieves a net gain in biodiversity within 10 to 15 years following construction, which is consistent with the intent of this objective and policy.

11.6.5 Natural character

Objective 14 is:

“To preserve and enhance the natural character of the coastal environment, wetlands, and lakes and rivers and their margins.” Objective 14.2 states, *“The natural character of wetlands and rivers and lakes and their margins should not be adversely affected by inappropriate subdivision, use or development and should, where practicable, be restored and rehabilitated.”*

The road alignment has been located to avoid directly affecting the natural character values of the Mimi swamp forest in the upper Mimi Valley. There will be some adverse effects on the natural character values of streams/wetland areas particularly in the Upper Mangapepeke Valley as a result of diversions and culverting under the road, which will be offset through riparian planting.

As set out in Technical Report 8a, the Project addresses adverse natural character effects on rivers and wetlands by:

- Seeking to minimise the stream and valley crossings throughout the alignment;
- Maintaining and enhancing natural stream environments where practically possible;
- Mitigating stream disturbance within the upper Mangapepeke valley and developing appropriate stream diversions of comparable natural character where practical; and
- Offering a significant opportunity to enhance the natural character of the entire Mangapepeke Stream corridor and valley through the ecological mitigation and biodiversity offset package (see Technical Report 7h).

In order to restore and rehabilitate the natural character of streams affected by the proposal, riparian planting and fencing is proposed alongside pest control and restoration of the swamp forest, which will enhance the natural character of this area.

Technical Report 7g concludes that there will be no measurable adverse effects on the coastal environment, noting that there is a robust construction management regime proposed for the Project.

Overall, the Project is consistent with these provisions.

11.6.6 Public access to waterbodies

The Project will be consistent with Objective 18 and Policy 18.1, which set out provisions for maintenance and enhancement of public access to and along waterbodies.

Both the Mimi River and Tongaporutu River are identified as priority waterbodies in Appendix 18 of the District Plan. Public access to the Tongaporutu River will not be affected by the Project. Access to the Mimi River via the Kiwi Road Track is likely to be affected during construction due to human health and safety reasons. Access to this area will be made available as soon as it is safe to do so. Existing public access to streams in the area (namely the Mimi River via Kiwi Road Track) will be maintained and enhanced once construction is complete, with the Kiwi Road Track to be diverted under the new road bridge to avoid pedestrians crossing the highway.

11.6.7 Rural character

Issue 1 of the District Plan concerns the adverse effects of activities on the character of areas and on other activities.⁹⁸ Generally, the wider Project area is rural in nature and has been modified by agriculture and the presence of the existing road.

Issue 4 relates to the loss or reduction of rural amenity and character, with Objective 4 being *“To ensure the subdivision, use and development of land maintains the elements of rural character.”* SH3 is an existing and expected part of the rural character in this location, acknowledging that the Project will affect an area which is not currently developed.

Policy 4.3 sets out ways in which the District Plan controls density, scale, location (including on-site location) and design of activities. In relation to this policy:

- The Project’s scale and location have been determined following extensive environmental and engineering investigations, which were canvassed during the alternatives assessment process and public engagement sessions. Buildings associated with the Project will be either temporary and associated with the construction period, or small-scale ie the hydrant tanks and a tunnel control building, which will be set back from the road and screened.
- Rural character will be maintained through the design principles set out in the LEDF, including keeping low in the landscape at either end of the Project footprint, noting that the Project will tie into the existing SH3 which runs through rural land on either end of the alignment.
- Of particular relevance to the Project, large scale cuts and fills are proposed along the route alignment. The proposed alignment has been designed to optimise a balance of cut and fill volumes. However cut faces are an inevitable effect of a project of this nature in this terrain. The Landscape, Natural Character and Visual Assessment (Technical Report 8a) considers this to be a consistent and expected element in a highway environment. Based on the evidence of the existing SH3 corridor it is anticipated that these rock cuts will become a naturalised geological feature of the alignment over time mitigating their effects. Further discussion on the design treatment of cuts and fills is set out in the LEDF (and in Section 4.2 also).

To further integrate the Project into the environment,⁹⁹ including the rural character at the northern and southern ends of the alignment, the following design principles are proposed:

⁹⁸ Objective 1, Policy 1.1

⁹⁹ Policy 4.5

- Simplicity – setting the road low in the landscape and allowing the landscape to ‘speak’;
- Cultural context – interpretation and celebration of the cultural context of this location;
- Integration – with the natural and ecological landscape patterns; and
- Future proofing – responding to future growth in Taranaki and surrounding areas.

These principles are detailed further in the LEDF. This is consistent with the intent of Policy 4.5.

The Project has been developed to minimise the areas of vegetation clearance required, including by tunnelling and bridging sections of the realignment. The Ecological Mitigation and Offset Report (Technical Report 7h) provides details of the planting proposed to mitigate and fully offset the effects of the Project.¹⁰⁰

Construction traffic movements will take place within the context of the existing levels of traffic on SH3, and will be safely and efficiently managed through the CTMP including stop/go operations where necessary.¹⁰¹

Overall, the adverse effects of the Project have been considered in a comprehensive and holistic manner. The Project is consistent with these objectives and policies.

11.6.8 Amenity values, including noise and lighting

A number of provisions¹⁰² in the District Plan relate to amenity values, including noise and lighting which are particularly relevant to the Project

In relation to noise, there are very few dwellings in the general vicinity of the Project footprint. The Project will be contained within the Mimi and Mangapepeke Valleys, and affects few properties.

The Environmental Noise and Vibration Report (Technical Report 10) provides details of the level of noise to be generated both during construction and operation. Some mitigation will be required in relation to the dwelling adjoining the southern disposal site location however, in general noise and vibration are predicated to comply with the relevant standards.

Temporary construction lighting will be required at construction yards and active working areas to enable construction during the hours of darkness, especially during the winter period. Glare from any lighting will be kept below the recommendations in AS 4282 – 1997 “Control of the Obtrusive Effects of Outdoor Lighting”.

Permanent lighting will be provided at the two local road intersections and the tunnel, which will be lit at all times to provide for the safe and efficient operation of the network. Lighting will be designed to avoid adverse effects on receptors, which will include the properties at either end of the alignment. Lighting will be designed to meet AS/NZS 1158 ‘Category V’ requirements.

¹⁰⁰ Policy 4.6

¹⁰¹ Policy 4.8

¹⁰² Policy 1.2, Objective 2, Policy 2.1, Policy 2.2, Policy 2.3, Objective 4, Policy 4.3

Overall the Project will be consistent with the objectives and policies relating to amenity, including noise and lighting.

11.6.9 Public health and safety

The existing route has a poor safety record, with poor route resilience (common closures, with no suitable alternative routes) and poor road geometry and low speeds. The Project provides a number of safety benefits and will therefore improve the health and safety of the road users.¹⁰³

Construction of the Project will be undertaken in accordance with the relevant health and safety legislation and procedures. Due to the remoteness of the site, interactions with the public during construction are likely to be low, and concentrated at the SAPs and potentially with users of the Kiwi Road Track. In order to avoid compromising public health and safety, the CTMP (Volume 5) sets out how construction traffic will be managed. The Kiwi Road Track may be temporarily closed at least partially when construction works are occurring in this location. Similarly, noise will be managed via a CNMP (Volume 5).¹⁰⁴

As set out above, glare from any lighting (which may have adverse impacts on human health and safety) will be kept below the recommendations in AS 4282 – 1997 “Control of the Obtrusive Effects of Outdoor Lighting”. Permanent lighting will be provided at the two local road intersections and the tunnel, which will be lit at all times to provide for the safe and efficient operation of the network.¹⁰⁵

Hazardous substances and contaminated land are also public health and safety risks. Hazardous substances used on site include fuel and oil and other construction related substances. These will be managed in accordance with best practise and health and safety legislation. The CLMP attached in Volume 5 sets out the management and mitigation procedures for contaminated land within the Project footprint (noting that a DSI will be required to locate contaminated sites in an exact manner).¹⁰⁶

Overall, it is considered that health and safety risks to the public can be managed appropriately during construction, and once complete, the Project will improve road safety in this area. The Project will be consistent with these objectives and policies.

11.6.10 Heritage

Objective 11 is:

“To recognise the district’s heritage resources, provide for their protection and promote their enhancement.” Policy 11.3 specifically relates to archaeological sites, stating, *“Archaeological sites should be protected from destruction and alteration that will adversely affect their archaeological values.”*

The District Plan states that cultural heritage consists of heritage items such as archaeological and waahi taonga/sites of significance to Maori.

¹⁰³ Objective 3. Policy 3.1

¹⁰⁴ Objective 2, Policy 2.3

¹⁰⁵ Objective 2, Policy 2.3

¹⁰⁶ Objective 10, Policy 10.3

The Project will be consistent with this objective and policy.

In relation to archaeological sites, the Historic Heritage Assessment (Technical Report 9) finds that there is some potential to encounter remains within the Project footprint, but the risk is low. The possibility of unrecorded archaeological sites is provided for by putting procedures in place ensuring that the District Council and Heritage NZ are contacted should this occur (see ADP, Volume 5).

In relation to waahi taonga/sites of significant to Maori, as noted previously the entire Project footprint and surrounding area holds special significance to Ngāti Tama. As set out in Section 11.6.3 above and in preceding sections, the Transport Agency recognises this and will continue to engage on an ongoing basis with Ngāti Tama to address adverse effects on cultural heritage.

11.7 Other matters

11.7.1 Ngāti Tama Claims Settlement Act 2003

As set out in Section 2.6.1, the Ngāti Tama Claims Settlement Act 2003 provided for the redress of historic breaches of the Treaty of Waitangi, and included commercial and cultural redress items. Part of this redress was the return of the Parininihi lands to Ngāti Tama which provides the base for restoring Ngāti Tama sustenance and connection to the whenua, awa and moana. The Project traverses this land.

As set out in the preceding Sections 0, 7.7, 8.4.1, 9.7, and 11.3 to 11.6, the Transport Agency acknowledges the cultural, spiritual, historical, and traditional importance of the Project area to Ngāti Tama and has engaged on an early and ongoing basis. Discussions will continue throughout the consenting and implementation of the Project. .

11.7.2 Strategic documents

In addition to the statutory documents that have been addressed in 11.7.1 above, there are a number of national and regional strategic documents that have guided the coastal management response outlined in this AEE report. The key strategic direction arising from these documents is summarised in Table 11.2 below.

Table 11.2 – Key strategic direction

Strategic document	Key direction
<p>“Tapuae Roa: Make Way for Taranaki”: Taranaki Regional Economic Development Strategy 2017</p>	<p>The Taranaki Regional Economic Development Strategy (August 2017) provides direction for economic development, feeding into Long Term Plans in the future, influencing private sector investment decision making and contributing to the future activities and investment decisions of Ngā Iwi o Taranaki. The vision of Tapuae Roa is “Taranaki – where talent becomes enterprise: Kia eke panuku”.</p> <p>Major hard infrastructure including the northern highway is identified as a ‘one-off regional game-changer’. Tapuae Roa states that, <i>“The roads to the south are good, but the vital SH3 link to the north is significantly sub-standard, as</i></p>

Strategic document	Key direction
	<p><i>is SH43 to the east. [The Transport Agency] is well advanced in planning for improvements to SH3 to the north."</i></p>
<p>Taranaki Regional Council Long Term Plan 2015–2025</p>	<p>The Taranaki Regional Council Long Term Plan 2015/2025 (LTP) focusses on ensuring there is efficient infrastructure and movement of people and goods vital to economic development and the region’s natural environment and physical resources are sustainably managed.</p> <p>The LTP states that the Council’s mission is to work for a thriving and prosperous Taranaki. Transport is one of six ‘Groups of Activities’ that contribute to achieving the Mission. The Transport group of activities promotes an affordable, integrated, safe, responsive and sustainable transport system that assists economic development and safety and personal security, improves access and mobility, protects and promotes public health and ensure environmental sustainability.</p> <p>The Project is consistent with this direction, given the social and economic benefits associated with improving the connectivity for freight and other vehicles from New Plymouth to the north.</p>
<p>Regional Land Transport Plan for Taranaki 2015–2021</p>	<p>The Taranaki RLTP establishes the strategic vision and outcomes for transport in the region. The RLTP identifies that SH3, a strategic corridor, is important to the viability of industries in Taranaki being able to compete in the North Island market and in overseas export markets, for regional tourism, and for access to other services and facilities in major centres outside Taranaki.</p> <p>The priority inter–regional issue for the Taranaki region is the future route efficiency, safety and reliability of SH3 travelling north over Mt Messenger, through the Awakino Gorge to Te Kuiti, Hamilton and beyond.</p> <p>The Project will assist in the removal of constraints to growth in freight, tourism and people movement, connecting Taranaki to important transport hubs in the north. The upgraded road corridor will also provide a fit for purpose experience for the tourism and productive sector. The Project will significantly improve the resilience of transport infrastructure, which would have a lifeline function in a state of emergency.</p>
<p>Regional Walkways and Cycleways Strategy for Taranaki 2007</p>	<p>This strategy sets out the vision, policies, implementation actions and outcomes for walking and cycling in the region. The vision is “To provide greater transport choice and</p>

Strategic document	Key direction
	<p>opportunities for people to discover and enjoy Taranaki's unique environment through walking and cycling.”</p> <p>The Strategy recognises the increasing role of tourist and long-distance cycling. The Project will significantly improve the connection from the north to New Plymouth, enhancing the driving and visitor experience of tourists visiting Taranaki. The safety and quality of access to the walking tracks and the safety of cyclists who may use this remote section of the State highway will be improved compared to the existing Mt Messenger corridor.</p>
<p>New Plymouth District Council Long Term Plan 2015–2025</p>	<p>The Long Term Plan is a requirement of the Local Government Act 2002. Key directions in the Long Term Plan relevant to the Project include:</p> <ul style="list-style-type: none"> • Environment – enhance the natural environment with biodiversity links and clean waterways; • Communities – strengthen and connect local communities; • Industry – strengthen and manage rural economy, industry, the port and the airport; • Talent – grow and diversify new economies that attached and retain entrepreneurs, talented workers and visitors; and • Destination – become a world-class destination. <p>The Project responds to these directions by providing for enhancement of the strategic cross-boundary transport link leading to the north and on to the key economic hubs of Hamilton, Tauranga and Auckland. The Project will contribute to enhancing Taranaki industry, including freight connectivity, encourage the growth and economic strength of all of the Taranaki region, provide positive social impacts for the local and regional community and enhance the entrance from the north for visitors to the region.</p>
<p>New Plymouth District Council Economic Development Strategy 2014–2024</p>	<p>The Economic Development Strategy was informed by the LTP 2012–2022 and the Region's Economic Development Strategy 2010–2035. While the Strategy focusses on 'active economic development', a strategic priority is to 'Improve our connections within New Zealand and with the world'.</p> <p>The identified issue with achieving this is that the district is <i>'distant from markets for our goods and services and other urban centres. Distance increases transport and trade costs and means that firms are unable to achieve the same economies of scale as those in the same industries in larger</i></p>

Strategic document	Key direction
	<p><i>markets, and hence constrains productivity'</i> and an outside perception that the district and region are isolated.</p> <p>Improving connections includes physical connections within the district and between the district, region, other districts and regions and offshore markets. The Project will significantly improve connectivity of freight to and from the Taranaki region.</p> <p>Connectivity is a key matter that was raised during consultation along with the perception that the region is isolated. The Social Impact Assessment (Technical Report 5) considers the connectivity changes (way of life) that will occur at a local and regional scale and therefore the benefits (growth and development) that may arise.</p> <p>The Project is consistent with this strategy.</p>

11.7.3 Public notification

Due to the nature and extent of the Project, the Transport Agency requests that the NoR and applications for resource consent for the Project be publicly notified.¹⁰⁷

¹⁰⁷ For the resource consents, sections 95A(2)(a) and 95A(3)(a) of the RMA together mean that the applications must be publicly notified if the applicant requests public notification. For the NoR, the equivalent provisions are sections 169(1) and 149ZCB(2)(b).