

Chapter 1
Part A
VOLUME 2

Introduction

Overview

The NZTA is lodging a Notice of Requirement (NoR) and applications for resource consents for the construction, operation, maintenance and improvement of the Expressway. Re-alignment of approximately 1.2km of the NIMT through Ōtaki is required to accommodate the Expressway, and KiwiRail is lodging a NoR for that purpose. In this AEE report, "the Project" refers to:

- Construction, operation and maintenance of the Expressway between Peka Peka and North Ōtaki;
- Realignment of part of the NIMT; and
- Construction and operation of associated local road connections.

The Project is considered to be a proposal of national significance and the matters have been lodged with the Environmental Protection Authority (EPA). The NZTA requests that the Minister for the Environment directs that the matters be referred to a Board of Inquiry (BoI) for determination. As the KiwiRail NoR is inextricably linked with the NZTA NoR, the KiwiRail NoR is also requested to be referred to a BoI for determination at the same time.

1 Introduction

1.1 The Requiring Authorities / Applicant

1.1.1 NZTA

The NZTA was established on 1 August 2008 through amendments to the Land Transport Management Act 2003 (LTMA). The NZTA is a Crown entity, with functions that are generally equivalent to the combined functions of the former Land Transport New Zealand and Transit New Zealand.

The NZTA's statutory objective is to undertake its functions in a way that "*contributes to an affordable, integrated, safe, responsive and sustainable land transport system*".

One of the NZTA's statutory functions is to manage the State highway network (including planning, funding, design, supervision, construction, maintenance and operations) in accordance with the relevant Acts¹².

A Strategic Priority of the NZTA, as defined in its Statement of Intent 2012 – 2015, is to plan and construct roads identified in the Government Policy Statement on Land Transport Funding 2012/13-2021/22 (GPS) as RoNS.

Under the LTMA, when undertaking its functions the NZTA must, amongst other things:

- Exhibit a sense of social and environmental responsibility (which includes avoiding, to the extent reasonable in the circumstances, adverse effects on the environment);
- Use its revenue in a manner that seeks value for money;
- Give effect to the GPS when performing its functions in respect of land transport planning and funding; and
- Take into account any relevant regional land transport strategies.

¹²

The LTMA and the Government Roding Powers Act 1989.

The NZTA is the requiring authority in respect of the Expressway NoR, and the applicant for the resource consents associated with the Project.

1.1.2 KiwiRail

The rail industry in New Zealand became a single entity again in October 2008, controlled by New Zealand Railways Corporation / KiwiRail Holdings Limited (trading as KiwiRail). NZRC's powers and functions were contained in the New Zealand Railways Corporation Act 1981 (NZRCA), as well as in other legislation, such as the Railways Act 2005. A recent restructure has seen KiwiRail Holdings Limited, a state-owned enterprise, take over the functions of NZRC as operator of the rail network. A vesting order has been made under section 6 of the New Zealand Railways Corporation Restructuring Act 1990 transferring to KiwiRail Holdings Limited virtually all of NZRC's assets and liabilities, including NZRC's designations and consents. In simple terms, KiwiRail Holdings Limited stands in the shoes of NZRC and continues to trade as KiwiRail.

The statutory functions of KiwiRail, contained in section 12(1) of the NZRCA, include:

- (a) to establish, maintain, and operate, or otherwise arrange for, safe and efficient rail freight and passenger transport services within New Zealand.*

The realignment of the NIMT through Ōtaki is part of achieving the maintenance of the safe and efficient movement of both rail and road passenger and freight services. While the driver for the realignment is to accommodate the Expressway, the realignment also enables improvements to rail speed, safety and efficiency to be achieved. These improvements are enhanced with the removal of a number of level crossings.

1.2 The Project

1.2.1 Expressway Alignment

The Wellington Northern Corridor RoNS runs from Wellington International Airport to North Ōtaki. The Expressway is one of eight projects developed by the NZTA to address different sections of the Wellington Northern Corridor RoNS. The location of the Project in the overall scheme of the Wellington Northern Corridor RoNS is illustrated in Figure 1-1 below.

The NZTA proposes in this application to designate land and obtain the resource consents to construct, operate and maintain the Peka Peka to North Ōtaki section of the Expressway. This Project extends from Te Kowhai Road in the south to Taylors Road to the north of Ōtaki, an approximate distance of 13km.

The Project will provide an expressway with two lanes of median separated traffic in each direction. Connections to existing local roads, new local roads and access points over the Expressway to maintain safe connectivity between the western and eastern sides of the Expressway are also proposed as part of the Project. The Expressway will provide additional crossings of the Ōtaki River, along with crossings of other watercourses throughout the Project length.

On completion, it is proposed that the Expressway become SH1. Subject to compliance with statutory requirements, including consultation requirements, there would then be the potential for the existing SH1 between Peka Peka and North Ōtaki to become a local road. This would separate local and through traffic. However, the power to declare roads to be State highways or revoke State highway status resides with the Chief Executive of the Ministry of Transport, not with the NZTA.

1.2.2 NIMT

KiwiRail proposes to designate land in the KCDP for the construction, operation and maintenance of a re-aligned section of the NIMT through Ōtaki. While the realignment of

the NIMT is to facilitate the Expressway, it will yield overall safety benefits for operations on the NIMT, including the removal of a number of level crossings. However these are realised without alteration to the existing KiwiRail designation being required.

The realignment involves a length of approximately 1.2km of NIMT being constructed within new designation boundaries, removed from the current NIMT alignment. In order to connect with the new NIMT alignment, short lengths of railway line at each end (approximately 300m long), within the existing NIMT designation boundaries, are also to be altered. The total length of works to the NIMT is therefore approximately 1.8km.

1.2.3 SH1

As part of physically constructing the Project and connecting to the adjoining Expressway section, a section of the existing SH1 at Mary Crest is no longer able to be used. In order to ensure that a local road alternative to the Expressway is available, a new section of SH1 will be built in the western side of the Expressway. This new section of SH1 will connect to the existing SH1 to the south of the Project.



Figure 1-1: Location of Peka Peka to North Ōtaki Section of the Kāpiti Expressway.

1.3 Purpose and Scope of this AEE Report

This AEE report and supporting documentation (contained in 5 Volumes) have been prepared in support of the NoRs for the designations and applications for resource consents which would authorise, under the RMA, the construction, operation and maintenance of the Project.

This relates to both the NoR by the NZTA for the designation of land in the KCDP for the construction, operation, and maintenance improvement of the Expressway, and the NoR by KiwiRail for the designation of land for the construction, operation and maintenance of a re-aligned section of the NIMT through Ōtaki.

The NoRs and the regional resource consents application forms are provided in Volume 1.

This AEE report includes a comprehensive and integrated assessment of environmental effects, which addresses all aspects relevant to the consideration and determination of the NoRs and resource consent applications. These matters are being lodged with the EPA as they are considered to be part of a proposal of national significance for the purposes of section 147(2) of the RMA. The NZTA's and KiwiRail's reasons why the Project meets the criteria in section 147(2) of the RMA are set out in a separate letter to the EPA.

Further information on the statutory context for the Project is provided in Part B, Chapter 4 of this AEE report.

1.4 Structure of this Report

The documentation required for the NoRs and resource consent applications is contained in five volumes:

- Volume 1: Resource Management Act 1991 Forms;
- Volume 2: AEE Report;
- Volume 3: Technical Reports and Supporting Documents;
- Volume 4: Management Plans; and
- Volume 5: Plan Set.

This AEE report, in conjunction with the other volumes outlined above, has been prepared in support of the NoRs for the designations and resource consent applications sought for the Project. It provides the following:

- A description of the existing environment in which the Project is located;
- An assessment of the alternatives that have been considered;
- A description of the consultation and engagement undertaken through the development of the Project and the identification of persons affected by the Project;
- A description of both the operation and construction of the Project;
- An assessment of any actual or potential effects on the environment that may result through the construction, operation and maintenance of the Project (including proposed measures to mitigate adverse effects);
- Proposed conditions to be attached to the designations and consents; and
- An assessment of the statutory matters to be considered in respect of the Project.

The structure of this AEE report is outlined in Table 1-1 below.

Table 1-1: Structure of this AEE Report

Part	Chapters	Name	Contents
A	1 and 2	Introduction and Background to the Project	An introduction to the Project, and the context in which it is situated.
B	3 and 4	Statutory Context	Details outlining the statutory matters associated with the Project.
C	5	Description of the Environment	A description of the environment in which the Project is located.
D	6, 7, 8 and 9	Description of the Project	A description of the construction and operation of the Project.
E	10	Consideration of Alternatives	An assessment of the alternatives considered through the development of the Project.
F	11	Consultation and Engagement	Identification of the persons affected by the Project and the consultation and engagement that has been undertaken through the development of the Project.
G	12 to 30	Assessment of Effects on the Environment	An assessment of the actual or potential effects on the environment associated with the Project.
H	32 and 33	The Management of Environmental Effects	Suggested mitigation measures including proposed conditions for designations and consents.
I	34	Statutory Assessment	An assessment of the NoRs and resource consents against all statutory considerations.
J		Appendix	Appendix One: Contains the summary of the purpose of a range of statutory and non-statutory documents.

Although some components of the Project relate specifically to the NZTA NoR and others to the KiwiRail NoR, the Project has been developed with a holistic and collaborative approach. A single AEE report has been prepared covering all components of the Project. However, some aspects of the report will only be relevant to:

- Specific geographical areas;
- The NoRs and/or applications for resource consent; or
- Specific components of the Project.

The RMA forms (Volume 1) set out the specific statutory requirements for each aspect of the Project.

Table 1-2 below contains the list of Technical Reports that are submitted in Volume 3 to support this AEE report:

Table 1-2: Technical Reports in Volume 3

Report Number	TECHNICAL REPORT
1	Design Philosophy Statement
2	Rail Basis of Design

3	Assessment of Alternatives
4	Geotechnical Report
5	Construction Methodology Report
6	Assessment of Transport and Traffic Effects
7	Assessment of Urban Planning and Design Effects
8	Assessment of Landscape and Visual Effects
9	Assessment of Hydrology Effects
10	Assessment Stormwater Effects
11	Terrestrial Ecology Assessment
12	Aquatic Ecology Assessment
13	Assessment of Operational and Construction Air Quality Effects
14	Assessment of Traffic Noise and Vibration Effects
15	Assessment of Construction Noise and Vibration Effects
16	Assessment of Land Contamination Effects
17	Assessment of Archaeological Effects
18	Assessment of Built Heritage Effects
19	Cultural Impact Assessment
20	Assessment of Social Effects
21	Assessment of Economic Effects
22A	Consultation Summary Report - 2011
22B	Consultation Summary Report - 2012
23	Urban and Landscape Design Framework

1.5 RMA Requiring Authority Status

A notice of requirement for a designation may only be issued by a requiring authority. Under section 166 of the RMA, a requiring authority is defined as:

- (a) *A Minister of the Crown; or*
- (b) *A local authority; or*
- (c) *A network utility operator approved as a requiring authority under section 167.*

The NZTA is the requiring authority for the proposed designation for the Expressway, and KiwiRail is the requiring authority for the proposed designation for the realignment of a section of the NIMT. Both are approved as requiring authorities under section 167(3) of the RMA.

1.6 Consideration of the Project as a Proposal of National Significance

The Project is part of the Wellington Northern Corridor RoNS. The NZTA and KiwiRail are lodging the NoRs and associated resource consent applications for the Project with the EPA pursuant to section 145 of the RMA, requesting that the Project be directed to and determined by a Bol as a Proposal of National Significance.

The EPA will recommend a course of action to the Minister for the Environment (section 146), who will make a decision pursuant to section 147, guided by the advice of the EPA and taking into account the factors for determining whether proposals are of national significance under section 142. As mentioned above, the NZTA's and KiwiRail's reasons why the Project meets these factors is set out in a letter to the EPA.

1.7 Aspects not Covered in this Report

There are some future authorisations or processes relating to the Project that are not addressed in this AEE report. These are:

- The alteration or removal of existing designations;
- Resource consents that may be required under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS) or otherwise in respect of contaminated sites (discussed further at para 1.7.3 and in Chapter 24 below);
- Outline plan approval;
- Authorisations required under legislation other than the RMA, such as the Historic Places Act 1991 (HPA);
- The potential revocation of the existing SH1; and
- Works on existing SH1, except where a new section is proposed to be built at Mary Crest and where there is a requirement to tie in to new local roads.

1.7.1 The Future of Existing SH1

The Expressway would allow the existing SH1 between Peka Peka and Ōtaki to become a local arterial road suitable for the safe and efficient use by the local community without having to contend with State highway traffic (including freight traffic) passing through. With appropriate linkages and crossings to enable connectivity either side of the Expressway, the existing SH1 will provide a functional route for local traffic.

Although the Project proposes linkages to the existing SH1 and local roads, and the construction of a new section of SH1 to replace that built over by the Expressway, any redevelopment of the existing SH1 itself does not form part of this application. Any redevelopment of this road will be undertaken in the future and any required approvals sought at that time.

Although the Project does not preclude the construction of parallel walking and cycling facilities along the existing SH1, those facilities are not part of this application. These will be addressed through the SH1 revocation process, whereby the section of SH1 no longer required as State highway is transferred to the relevant local authority, KCDC. Final decisions on the form of the existing SH1 when it is handed over to the local authority and any re-development prior to this, such as the inclusion of pedestrian and/or cycling facilities, are not yet made. High-level principles have however been agreed between the NZTA and KCDC. These principles will be used, in conjunction with ongoing discussions with KCDC, to refine the re-development requirements for the existing SH1.

1.7.2 The Existing NIMT at Ōtaki

As stated, a section of the NIMT at Ōtaki is to be realigned as part of the Project, and KiwiRail is seeking a NoR for the new section to enable that to occur. In respect of the existing NIMT in that location, the Expressway is to be located in that area and, once the realigned section of the NIMT is constructed, KiwiRail will remove its existing designation and rail infrastructure in that location to enable the Expressway to be developed.

1.7.3 Consents under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

Any approvals required under the NESCS from KCDC are not sought at this time as the NZTA does not own all the land on which detailed investigations may be required. Any consents necessary under the NESCS and any associated regional consents will be sought closer to construction, when greater certainty can be provided in relation to the effects and mitigation required in relation to contaminated land and the NESCS. Irrespective, however, a preliminary assessment of land contamination has been undertaken and is discussed in Chapter 23.