

Chapter 33

Part I

VOLUME 2

Statutory Assessment

Overview

The objectives and policies that are relevant to the Project span national, regional and district planning documents. An analysis of these is provided in this Chapter.⁵⁷ The principal conclusions that are reached are:

- The Project is a key part of the Government's national policies for transportation: as part of the Wellington Northern Corridor RoNS the Project will make an important contribution to travel time savings between Wellington Airport and Levin, remove congestion, especially through Ōtaki, improve travel time reliability, improve route security, ease freight movements into and out of Wellington, and result in significant safety improvements;
- Overall the Project is consistent with the objectives and policies of the relevant national, and regional statutory planning documents;
- The Project is consistent with the transport-related policies of the RPS, the RLTS and the KCDP;
- The Project will enable communities at a local, regional and national level to provide for their social, economic and cultural wellbeing;
- The Project will meet the growing transportation needs of the Region, in a manner that does not preclude future opportunities for other land transport development, such as public transport;
- The Project will sustain the potential of natural and physical resources for future generations, and safeguard the life-supporting capacity of air, soils, water and ecosystems;
- As set out in Part H of this AEE report (Chapters 30 to 32), the adverse effects of the Project on the environment will be sufficiently avoided, remedied or mitigated to satisfy the requirements of s5 of the RMA;
- The Project recognises and provides for the matters in s6 RMA;
- The Project has particular regard to those matters in s7 RMA; and
- Engagement with tangata whenua in developing the Project has taken into account the principles of the Treaty of Waitangi in accordance with s8 RMA.

Consequently, the Project meets the statutory tests of the RMA and is consistent with its purpose and principles, particularly when the benefits of the Expressway and NIMT realignment are considered alongside the proposed measures to avoid, remedy and mitigate the adverse effects. To this end it is considered that the sustainable management purpose of the RMA will be achieved by confirming the designations and granting the resource consents sought.

33 Statutory Assessment

33.1 Introduction

The assessment of the Project against the relevant statutory documents generally follows the hierarchy of applicable planning documents and concludes with an assessment against Part 2 of the RMA.

⁵⁷ A summary of the 'scope' of the various documents is provided as an Appendix in Part J "Statutory Context", Volume 2 of the AEE report.

33.2 National Policy Statements

There are three NPSs potentially relevant to the Project:

- the National Policy Statement for Freshwater Management 2011 (NPSFM);
- the National Policy Statement on Electricity Transmission 2008 (NPSET); and
- the New Zealand Coastal Policy Statement 2010 (NZCPS).

Although not yet operative, there is also a proposed National Policy Statement on Indigenous Biodiversity (PNPSIB) to which reference will be made for completeness.

33.2.1 National Policy Statement for Freshwater Management 2011

Objectives and policies from the NPSFM of relevance to the Project are:

Water Quality

Objective A1 To safeguard the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems of freshwater, in sustainably managing the use and development of land, and of discharges of contaminants.

Objective A2 The overall quality of freshwater within a region is maintained or improved while:

- *protecting the quality of outstanding freshwater bodies;*
- *protecting the significant values of wetlands; and*
- *improving the quality of freshwater in water bodies that have been degraded by human activities to the point of being over-allocated.*

The NPSFM sets out a staged implementation programme, over which time councils are required to include objectives and policies in their plans to reflect the stated objectives (including those above). In particular, the NPSFM provides a transition policy (Policy A4) that has immediate effect on discharge consent applications. This policy applies until such time as GWRC adopts policies for inclusion in its RPS and Regional Plans to give effect to Policy A1 and Policy A2 (freshwater quality limits and targets). Policy A4 states that:

1. *When considering any application for a discharge the consent authority must have regard to the following matters:*
 - (a) *the extent to which the discharge would avoid contamination that will have an adverse effect on the life-supporting capacity of freshwater including on any ecosystem associated with freshwater; and*
 - (b) *the extent to which it is feasible and dependable that any more than minor adverse effect on freshwater, and on any ecosystem associated with freshwater, resulting from the discharge would be avoided.*
2. *This policy applies to the following discharges (including a diffuse discharge by any person or animal):*
 - (a) *a new discharge; or*
 - (b) *a change or increase in any discharge – of any contaminant into freshwater, or onto or into land in circumstances that may result in that contaminant (or, as a result of any natural process from the discharge of that contaminant, any other contaminant) entering freshwater.*
3. *This policy does not apply to any application for consent first lodged before the National Policy Statement for Freshwater Management takes effect on 1 July 2011."*

During the development of the Project, options to avoid discharges to freshwater that will have more than a minor effect have been extensively considered and adopted where practicable. Mitigation initiatives are proposed, including the provision of swales along the Expressway that will provide significantly greater removal of contaminants from stormwater than exists along the present SH1.

Methods to avoid and mitigate adverse effects are discussed in chapter 20 (Stormwater) and chapter 22 (Aquatic Ecology). The methods are based on an integrated approach between the specialists.

The overall conclusion is that the Project will be generally consistent with the intent of the NPSFM in relation to water quality.

Water Quantity

The NPSFM sets out the following objectives for water quantity:

Objective B1 To safeguard the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems of freshwater, in sustainably managing the taking, using, damming, or diverting of freshwater.

Objective B2 To avoid any further over-allocation of freshwater and phase out existing over-allocation.

Objective B3 To improve and maximise the efficient allocation and efficient use of water.

Objective B4 To protect significant values of wetlands.

The choice of the Expressway alignment has avoided a significant area of bush (and associated wetland) at Mary Crest. However a second wetland (c.0.5ha), the Ōtaki Railway Wetland, is significantly affected. This 'loss' will be mitigated by the creation of new areas of wetland within the designation (total area c.1.1 ha). Further detail on this proposed mitigation is provided in chapter 19. Overall, the Project is consistent with these objectives.

During construction of the Project some small streams will be diverted, particularly during the installation of culverts and other structures. Accordingly, Policy B7 is relevant:

Policy B7

1. *When considering any application the consent authority must have regard to the following matters:*
 - (a) *the extent to which the change would adversely affect safeguarding the life-supporting capacity of freshwater and of any associated ecosystem and*
 - (b) *the extent to which it is feasible and dependable that any adverse effect on the life-supporting capacity of freshwater and of any associated ecosystem resulting from the change would be avoided.*
2. *This policy applies to:*
 - (a) *any new activity; and*
 - (b) *any change in the character, intensity or scale of any established activity – that involves any taking, using, damming or diverting of freshwater or draining of any wetland which is likely to result in any more than minor adverse change in the natural variability of flows or level of any freshwater, compared to that which immediately preceded the commencement of the new activity or the change in the established activity (or in the case of a change in an intermittent or seasonal activity, compared to that on the last occasion on which the activity was carried out).*

3. *This policy does not apply to any application for consent first lodged before the National Policy Statement for Freshwater Management takes effect on 1 July 2011.*

As outlined in chapters 19 and 20, the Project proposes a range of methods to safeguard the life-supporting capacity of freshwater and any associated ecosystem. Through the use of treatment swales and attenuation basins, the potential effects of run-off have been mitigated in compliance with industry best practice.

Overall it is concluded that the Project will have a net positive effect on contaminant levels entering freshwater due to the 'transfer' of most traffic from the existing SH1, which has no formal stormwater treatment, to the Expressway. This will result in a significantly greater removal of contaminants from stormwater. The Project is therefore consistent with Policy B7.

Integrated Management

Part C of the NPSFM emphasises the importance of integrated management.

Objective C1 states - To improve integrated management of freshwater and the use and development of land in whole catchments, including the interactions between freshwater, land, associated ecosystems and the coastal environment.

Related policies are:

Policy C1 - By every regional council managing freshwater and land use and development in catchments in an integrated and sustainable way, so as to avoid, remedy or mitigate adverse effects, including cumulative effects.

Policy C2 - By every regional council making or changing regional policy statements to the extent needed to provide for the integrated management of the effects of the use and development of land on freshwater, including encouraging the co-ordination and sequencing of regional and/or urban growth, land use and development and the provision of infrastructure.

The development of the Project has been based on an integrated approach involving the various specialists, such that the inter-relationship/s between the various matters has been a key focus. This was an essential approach given that the Expressway covers a number of catchments.

Based on this approach, and in view of the mitigation initiatives proposed, it is considered that the Project is consistent with the objective of improving integrated management of land use and development.

Tangata Whenua Roles and Interests

Objective D1 the NPSFM seeks to:

To provide for the involvement of iwi and hapū, and to ensure that tangata whenua values and interests are identified and reflected in the management of freshwater including associated ecosystems, and decision-making regarding freshwater planning, including on how all other objectives of this national policy statement are given effect to.

In turn Policy D1 requires that local authorities take reasonable steps to work with iwi and hapū to identify and reflect tangata whenua values and interests in freshwater and freshwater ecosystems.

While the NPSFM requires actions to be taken by local authorities to develop policies consistent with the Policy D1, rather than requiring actions by applicants, throughout the Project the NZTA has worked closely with tangata whenua to better understand tangata

whenua values and interests and appropriately reflect those values and interests in the Project design.

33.2.2 National Policy Statement on Electricity Transmission 2008

The NPSET came into effect on 10 April 2008.

Any effects that the Project may have on the electricity transmission network would need to be considered and managed. The Project does not pass under any high voltage transmission lines. While various transmission lines may need to be moved to allow for the Project, these are local distribution lines which fall outside of the purview of the NPSET. The NPSET therefore is not required to be taken into consideration as part of this application.

33.2.3 New Zealand Coastal Policy Statement 2010

The NZCPS provides guidance and direction on the management of the coastal environment.

Although the Project is a considerable distance from the coast it does cross the Ōtaki River and several other streams. However, due to the significant separation distance from the coastline and (in the case of the proposed bridges over the Otaki River) intervening existing road and rail bridges, it is considered that the Project will have little or no adverse effect on the coastal environment.

Accordingly, the following planning assessment of the Project is provided for the relevant objectives and policies of the NZCPS.

The Extent and Characteristics of the Coastal Environment (Objectives 1 and 2, and Policies 1 and 4)

A key focus of the Project has been to mitigate effects on freshwater through contamination (through operation of the Project, i.e. run-off of contaminant-laden water from the exposed Expressway earthworks) or sediment run-off (construction). The assessments conclude that any such adverse effects on the ecological values of the Ōtaki River and other streams will be very low. Indeed, in the longer-term, it is anticipated that there will be an overall improvement in operational contaminant levels entering the freshwater due to the 'transfer' of most traffic from the existing SH1, which has no formal stormwater treatment, to the Expressway, and, as such, will treat all run-off. Accordingly, the ecological values of the coastal environment will not be at risk as a result of the Project.

Treaty of Waitangi, Tangata Whenua and Maori (Objective 3 and Policy 2)

Through engagement with tangata whenua in the design process, Māori customary knowledge, traditional knowledge or intergenerational knowledge (mātauranga Māori) has been incorporated into the Project (refer to chapter 26 and Technical Report 19).

Natural Character (Objective 2 and Policies 13 and 14)

Policy 13 relates to preserving the natural character of the coastal environment and recognises that natural character is different to natural features, landscapes and amenity values. Policy 14 promotes the restoration or rehabilitation of the natural character of the coastal environment.

Some landscape elements that are associated with/formed by coastal processes (e.g. dunes and former coastal/sea cliff) are either within or alongside the footprint of the Project. Some dune landforms (especially north of Ōtaki) are affected. The former sea cliff south of Mary Crest (Te Horo 'abandoned' sea cliff) is not affected.

Where the Project traverses dune landforms the objective is to minimise the extent of any cuts and to re-create natural contours to the greatest extent practicable.

From an ecological perspective, given the mitigation measures proposed (primarily erosion and sediment controls), the actual and potential adverse effects on the stream and river mouths within the coastal environment from construction works in up-stream/up-river beds and wetlands, will have little adverse effect on the coastal environment.

Water Quality (Objectives 1 and 6 and Policy 21, 22 and 23)

Policy 21 requires that where water quality in the coastal environment has deteriorated, priority should be given to enhancing it. Policy 22 requires consideration of controls to manage the effects of sedimentation on the coastal environment, including through managing land uses, forestry and vegetation removal. Policy 23 seeks to manage the discharge of contaminants to the coastal environment.

Potential effects on water quality from the Project, both during construction and post-construction operation, have been a key consideration through the development of the Project.

Given the mitigation measures proposed (refer chapters 18 and 20) it is concluded that any adverse effects during construction will be low, and during the post-construction operation of the Project, the overall outcome will be a reduction in contaminants from the Expressway entering freshwater and therefore a net positive effect. Accordingly, in relation to water quality in the coastal environment, the Project will not give rise to any deterioration.

Indigenous Biological Diversity (Policy 11)

Some works which are required for the Project may result in discharges and in-stream works which have the potential to adversely affect threatened or at risk indigenous taxa and their habitats, as detailed in Policy 11 of the NZCPS. To ensure any adverse effects are mitigated, Technical Reports 11 and 12 look at both terrestrial and aquatic ecological values, and the mitigation recommended in these reports is adopted and reflected through the Project design and the conditions proposed.

Overall Conclusion in Relation to the Coastal Environment

The conclusion is that the Project is consistent with the relevant objectives and policies of the NZCPS. Any adverse effects on the characteristics of the coastal environment, including water quality, the most likely area of 'risk', will be negligible. Indeed, the proposed mitigation measures incorporated into the Project should result in an overall improvement in water quality.

33.2.4 Proposed National Policy Statement on Indigenous Biodiversity

The PNPSIB is intended to provide clearer direction to local authorities on their responsibilities for managing indigenous biodiversity under the RMA. It seeks to promote the maintenance of indigenous biodiversity while recognising the rights and responsibilities of landowners and the interests of Māori.

While the PNPSIB is not operative, and therefore has no statutory weight, for completeness an assessment has been undertaken (refer chapter 19 and Technical Report 11, Volume 3).

As the assessments record, some existing wetland will be reclaimed but this will be mitigated by the creation of new wetland areas. The loss of bush habitat will be compensated either by planting new areas of bush or protecting existing bush that is threatened by on-going degradation. The recommended mitigation adequately meets the "no-net-loss in biodiversity" outcome promoted by the proposed NPS IB.

No threatened or at-risk terrestrial or wetland species of flora or fauna were identified along or immediately adjacent to the Project footprint.

33.3 National Environmental Standards

There are four NESs which are considered relevant, or potentially relevant, to the Project:

- The Resource Management (National Environmental Standards for Air Quality) Regulations 2004 (amended 2011);
- The Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007;
- The Resource Management (National Environmental Standards for Electricity Transmission; Activities) Regulations 2009 (NESET); and
- The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NESCS).

33.3.1 National Environmental Standards for Air Quality 2004

Regulation 13 sets the ambient air quality standards and the requirements for management of air quality within those air sheds identified. It is the responsibility of Regional Councils to manage air quality and to comply with the Regional Air Quality targets for their air shed(s). No consents relating to this standard are required, but the relevant regulations in the NES have informed the assessment of construction and operational air quality effects and proposed mitigation measures.

As the specialist assessment concludes (refer chapter 21, Volume 2 and Technical Report 13, Volume 3) the primary air discharge from the construction of the Project will be dust. This will require mitigation in some areas to reduce the potential for nuisance effects, and a number of measures are recommended including: speed restrictions on construction vehicles operating near sensitive receptors; the placement of a construction envelope around activities that have the potential to create dust effects; and the use of water tankers to dampen surfaces that have the potential to create dust.

The potential effects from vehicle exhaust pollutants once the Project is in operation were also assessed. The ambient concentration of NO₂, CO and PM₁₀ were assessed for the design year (2021) and the opening year (2031).² The results of the assessment indicate that a slight reduction in concentration in urban areas can be expected between 2021 and 2031 for the pollutants assessed.

No post construction mitigation is recommended as the contribution of air pollutants from the operation of the Project is not expected to cause any adverse effects.

33.3.2 National Environmental Standards for Sources of Human Drinking Water 2008

This NES requires regional councils to ensure that effects on drinking water sources are considered in decisions on resource consents and regional plans. No consents under this NES are required as none of the water takes relating to the construction of the Project are for drinking water supplies.

The potential effects of the Project on groundwater resources are addressed in chapter 13 and in Technical Report 4, Volume 3.

Any effects on groundwater flows and licensed water takes are considered to be insignificant and able to be mitigated through conditions. Accordingly, there should be no adverse effect on potable water supplies.

33.3.3 National Environmental Standards for Electricity Transmission 2009

The Project does not pass under any high voltage transmission lines. While various transmission lines may need to be moved to allow for the Project, these are local

distribution lines which fall outside of the purview of the NESET. Therefore, the standard is not applicable as none of the activities to which the NESET relates are required to be undertaken as part of the Project.

33.3.4 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011

The NESCS came into effect on 1 January 2012.

A specialist Phase 1 contaminated land assessment identified five sites with potential for ground contamination at Ōtaki Railway Station, Ōtaki railway sidings, Winstones Aggregates, Clifden and Mary Crest. Ten other sites of potential concern of lower risk were identified. Further, as the specialist assessment notes, additional sites may be encountered during construction.

Potential effects on human health and the environment may occur if contaminated land is disturbed and/or used during the construction of the Project.

These potential effects can be avoided through the application of appropriate procedures to manage contaminated soils and materials. This may include retaining soil and materials in situ where appropriate to be capped by the Expressway. Any soils and materials not suitable to remain on site will be excavated, removed off-site and disposed of in accordance with the procedures outlined in the NESCS.

Once the detailed design is complete, a detailed assessment of the contaminated sites within the Project area will be undertaken, and all necessary resource consents required to undertake works in these areas will be sought at that time.

33.4 Regional Policy Statements

There is both an operative and proposed RPS for the Wellington Region. The operative RPS came into effect in 1995. The RPS identifies the regionally significant issues around the management of the Region's natural and physical resources and sets out what the GWRC is seeking to achieve (objectives) and the way in which they will seek to achieve those objectives (policies and methods). It is a key statutory instrument that regional and district plans are required to give effect to.

At this stage the PRPS is considered to carry significantly greater weight than the operative RPS, because the PRPS has been through the public notification, submission, hearing and GWRC decision-making process and is currently in the final stage where outstanding appeals on some of its provisions are being resolved. For this reason, the regional policy assessment to follow is based on the provisions of the PRPS. That said, however, the operative RPS remains a relevant document. Nevertheless, the operative RPS's regional issues and related objectives and policies are essentially picked up in the PRPS such that the assessment against the PRPS picks up these issues as well.

33.4.1 Proposed Wellington Regional Policy Statement 2009

An assessment of the Project against the relevant objectives and policies of the PRPS follows. The PRPS is intended to provide a robust, integrated approach to promoting the sustainable management of natural and physical resources. Under section 59 of the RMA *"the purpose of a regional policy statement is to achieve the purpose of the Act by providing an overview of the resource management issues of the region and policies and methods to achieve integrated management of the natural and physical resources of the whole region"*.

The assessment that follows addresses each relevant resource management issue identified in the PRPS in turn. The assessment draws on the relevant specialist technical assessments, the majority of which are summarised in Part G of Volume 2, with the full reports included in Volume 3 of the AEE report.

Air Quality

The PRPS separates air quality issues into two categories: Amenity (Objective 1) and Health Effects (Objective 2). Policy 1 corresponds to Objective 1, while Policy 2 provides direction for both Objectives. The PRPS states that overall regional air quality in Wellington is generally good. The PRPS approach is to maintain and enhance air quality in the Region.

The specialist assessment (refer Technical Report 13, Volume 3) concludes that the primary discharge from the construction of the Project will be dust. This will require mitigation in some areas to reduce the potential for nuisance effects. In relation to construction-related dust, a number of mitigation measures have been recommended (refer Technical Report 13) to reduce the potential of dust emissions.

The potential effects from vehicle exhaust pollutants once the Expressway is operational were also considered. The assessment concluded that there will be a slight reduction (positive effect) in concentration in urban areas (albeit mainly due to improvements in vehicle technologies). No specific mitigation is recommended in relation to vehicle exhaust pollutants as no adverse effects are anticipated.

Based on the technical assessment it is concluded that there will be negligible air quality effects arising from the construction of and use of the Project; and, in the urban area will result in a slight improvement. Consequently, the operation of the Project will not have any adverse effects on human health.

Overall, it is concluded that the Project is consistent with the relevant objectives that relate to air quality.

Coastal Environment

The regionally significant resource management issues for the coastal environment and corresponding objectives and policies are categorised into four areas: adverse effects on natural character, and restoring natural character (Objective 4 and Objective 5 respectively); and natural habitats and features, coastal water quality and ecosystems (Objectives 3, 6 and 7).

In relation to these objectives and policies it is noted that:

- The Project route is considerably inland (some 3 to 4 kilometres) of the coast. However, it does traverse some dune landform, notably north of Ōtaki. Therefore the adverse effects of Project construction in the dune landform have been mitigated to the extent practicable through minimising the necessary earthworks and 're-creating' natural contours along the edges of the cuts;
- The magnitude of any adverse effect on the ecology of the coastal environment from discharges of stormwater or other contaminants to the Ōtaki River, or other streams that discharge to the coast, will be negligible; and
- The Project will not adversely affect public access to the coastal environment.

Overall, it is concluded that the Project is consistent with the relevant objectives and policies that relate to the coastal environment.

Energy, Infrastructure and Waste

The "Infrastructure" objective (Objective 10) and policies (Policies 6, 8 and 9) are relevant to the Project.

Objective 10 states that the "*social, economic, cultural and environmental benefits of regionally significant infrastructure are recognised and protected*", where the definition of '*regionally significant infrastructure*' includes the "*Strategic Transport Network, as defined in the Wellington Regional Land Transport Strategy 2007-2016*", and includes the State highway network. It is relevant that the Government has nominated the Project as a

key part of the Wellington Northern Corridor RoNS in the GPS on Land Transport Funding. The Project is therefore consistent with the policy direction in the PRPS and related documents such as the RLTS.

Policy 6 refers to "the social, economic, cultural and environmental benefits of regionally significant infrastructure" (such as the Project) and directs regional and district plans to recognise these benefits.

The Project will be consistent with, and will support Objective 10 insofar as the Project provides for a more efficient road transport network that will allow people to travel more quickly, safely and reliably around the Region.

As discussed in chapter 14, Volume 2 and Technical Report 6, Volume 3 "Assessment of Transport and Traffic Effects", the Project will:

- Make a contribution to reduced travel times through the Kāpiti district and around the Region;
- Provide a second route, built to a significantly higher standard, which will be more resilient to natural hazards and will provide a choice of routes;
- Reserve the use of existing SH1 for use by people making local trips; and
- Have a significant positive effect on road safety.

In relation to the NIMT, the Project improves track alignment to the north of the Ōtaki Railway Retail area. Importantly, the Project results in the removal of five existing at-grade crossings across the NIMT, including two significant 'public' crossings at Rahui Road and at Te Horo. All the public level crossings in the Project area are removed by the Project.

Recognising the benefits from regionally significant infrastructure is an important consideration for the Project, and it is concluded that the Project is consistent with Policy 6.

Under the heading of 'energy, infrastructure and waste' the PRPS also provides direction on reducing the use and consumption of non-renewable transport fuels and promoting travel demand management, in Policies 8 and 9 respectively. These policies recognise the significant contribution the transport sector makes to carbon dioxide emissions and non-renewable fuel consumption. The policies seek that a reduction in both emissions and consumption is advanced through the RLTS.

Policy 9 also directs district plans to promote travel demand mechanisms, including improvements to the efficiency of the existing network. The policy also recognises that it is important to ensure good connectivity within and between settlements.

As summarised in chapter 14, and discussed in more detail in Technical Report 6, Volume 3, the Project is expected to deliver a range of benefits which would be consistent with achieving Policy 9, including:

- Reduced average journey times;
- A significant reduction in congestion, especially into and through the Ōtaki Railway Retail area;
- Reduced levels of traffic on the existing SH1 (following its change to a local road) making it more conducive to non-motorised travel; and
- Through design and layout of the interchanges at north and south Ōtaki, provide fast and efficient motor-vehicle access to and from Ōtaki without increasing travel distance for residents, visitors or passing trade.

In terms of waste water (Policies 43 and 44), opportunities for water recycling will be addressed at the detailed design stage of the Project.

Overall, in relation to transportation infrastructure, the Project will have a significantly positive effect, particularly through enhanced road safety, a second road corridor, built to

a higher standard through the Kāpiti district and through removal of five of eight at-grade crossings, including two significant 'public' crossings at Rahui Road and at Te Horo.

Freshwater

The focus of PRPS policy in relation to the Region's freshwater 'resource', including rivers, lakes, wetlands and streams, is safeguarding the life-supporting capacity of water bodies and maintaining healthy functioning ecosystems (Objectives 12 and 13). To this end Policies 11, 39 and 42 encourage the maintenance and, where possible, enhancement of aquatic ecosystem health, both in freshwater and the coastal marine area; while Policy 40 identifies a series of mechanisms to reduce adverse effects of stormwater run-off. Policy 42 specifically relates to protecting the aquatic ecological function of water bodies.

In chapters 18 (Stormwater) and 20 (Aquatic Ecology) in Volume 2, and the associated Technical Reports 10 and 12, Volume 3, various measures are identified to address potential adverse effects on the freshwater resource and the associated ecosystems along with their aquatic ecological functions. These measures include the treatment of run-off from the Expressway in vegetated attenuation swales and dry ponds, enhancement of riparian planting (to mitigate for culverting) and establishment of 'new' wetlands to mitigate the loss of existing wetland.

These mitigation mechanisms are consistent with Policies 40 and 42.

Policies 43 and 44 relate to water takes, using water efficiently and the recycling (also addressed in *Energy, Infrastructure and Waste*, above) of water, in particular requiring justification of proposed water take, as well as the actual take being measured and reported. The proposed groundwater take, as well as the reuse of water from sediment retention ponds during the construction period, will be able to occur in such a manner so as to ensure efficiency, and thereby not compromise these provisions.

Chapter 20 (Terrestrial Ecology) also makes an assessment of the Project's effects on indigenous ecosystems and habitats, under the criteria set down by Policy 22: *Identifying indigenous ecosystems and habitats with significant biodiversity values*, although the policy is not referred to directly in that chapter. The Project will adversely affect indigenous vegetation along the riparian margins of rivers and streams. However, the proposed mitigation initiatives, including new wetland habitat creation detailed in chapter 20, will adequately meet the biodiversity objectives contained within the PNPSIB, the PRPS and the NZTA's Environmental Plan.

During Project construction the management of vegetation removal and earthworks will be undertaken in accordance with the procedures and methods included in the ESCP (refer Appendix C, Volume 4 of the AEE report), which will be directed toward avoiding any adverse effects on the freshwater resource and associated ecosystems from potential sediment run-off.

Historic Heritage

The PRPS seeks to avoid the inappropriate modification, use and development of historic heritage (Objective 15). As is recorded in the specialist heritage assessment (refer chapter 25, Volume 2 and Technical Report 18, Volume 3) there are a number of heritage buildings within the boundaries of the proposed designation, or in close proximity.

The overall conclusion reached in the specialist heritage assessment is, that subject to some recommended mitigation measures, the overall effects of the Project will be less than minor on heritage values.

The four statutorily identified buildings considered to be affected by the Project are:

- Ōtaki Railway Station: a slight realignment of the building is necessary to 'realign' the station platform and verandah with the realigned NIMT;

- Former Te Horo Railway Station Building (re-located on the former Mirek Smišek pottery site): the Expressway will be within 40 metres of the building thus changing its existing setting;
- Former Rahui Milk Treatment Station: the Expressway will be in close proximity to the north elevation of the building, thus changing its existing setting; and
- Former Rahui Factory Social Hall: the Expressway will be in very close proximity to the building, thus changing the existing setting.

In respect of the Ōtaki Railway Station building, the proposal is for reorientation of the building with the realigned NIMT. Subject to the brickwork, including chimneys and the central brick firewall, being reconstructed and all other interior and exterior fabric, including the verandah, being relocated with the building, the heritage effects on the building will be less than minor.

The setting of the former Te Horo Railway station will be affected by the Expressway, as it will be located approximately 40 metres from the building, there will be no physical effects or loss of fabric. Also, as the association of the building to its original site was lost when it was relocated in 1971, and while the building is considered to have moderate to high architectural and historical values, the effects of the Expressway on those values are assessed to be less than minor.

The former Rahui Milk Treatment Station and former Rahui Social Hall will have their immediate setting modified because the Expressway will be in close proximity. However, there will be no physical intervention to the buildings or loss of fabric. Planting is proposed to mitigate the effects of the Expressway on the amenity values of these buildings. On balance, it is assessed that the effects on the architectural and historic values of the two buildings will be less than minor.

Two non-statutorily identified buildings/structures, which will be affected by the Project, have been assessed as having heritage value:

- former Mirek Smišek pottery site consisting of two kilns and brick flue, preparation shed and house. The site of the kilns, brick flue, preparation shed and house will be occupied by the Expressway, resulting in a reduction in the size of the site by approximately half, as well as changing the setting of the group of structures associated with the Smišek pottery; and
- 'Clifden' at Bridge Lodge: reputed to be one of the earliest houses built in Ōtaki, the site of the house will be occupied by an over-bridge access road.

Although not statutorily recognised, it is considered that the beehive kilns and flue have sufficient heritage values to be considered under the RMA as being 'historic heritage'. Consequently their demolition would be inconsistent with the requirement to protect historic heritage. The alternative of relocation would provide for their protection with the optimum location being as close as possible to their existing site and maintaining a physical relationship with the preparation shed. Thus, the recommendation of the specialist assessment is that the beehive kilns and flue should be carefully deconstructed, relocated and reinstated in a sympathetic environment on site. With the relocation and reinstatement of the kilns in this manner, it is concluded that the adverse effects on their historic heritage will be appropriately mitigated.

The approach to the proposed Expressway bridge no. 6 at south Ōtaki will occupy the approximate location of 'Clifden'. Although the building is not statutorily recognised, the assessment undertaken has concluded that it has sufficient heritage value to be considered as being 'historic heritage of local significance'. Adverse effects will be minimised if the original house, without its additions, can be relocated to an appropriate site. In this way its historic heritage will be recognised and provided for.

With the implementation of the recommended mitigation measures the conclusion is that the Project will promote the protection of historic heritage in a manner consistent with the PRPS objectives and policies.

Indigenous Ecosystems

The PRPS acknowledges that ecosystems are constantly changing and that all parts of an ecosystem are important to support each other. Objective 16 and Policies 22 and 23 have a particular focus on identifying and protecting indigenous ecosystems with significant biodiversity values, as these relate to future regional and district plan provisions. The PRPS also acknowledges the importance of healthy ecosystems is central to Māori cultural values.

Policy 46 addresses projects requiring consent or notice of requirement, and provides guidance on the determination of "*whether an activity may affect indigenous ecosystems and habitats or areas with significant biodiversity values*".

The specialist assessment on terrestrial ecology (refer chapter 19, Volume 2 and Technical Report 11, Volume 3) notes that the Project passes through a landscape that has been highly modified by agriculture, and to a lesser extent horticulture, viticulture and urbanisation. It also notes that the most significant ecosystems, in particular a significant area of indigenous bush and associated wetland at Mary Crest, have been avoided.

The areas of indigenous vegetation and habitats of indigenous fauna affected by the Project are the Ōtaki Railway Wetland that is significantly affected, lengths of water ways affected by culverting, and the edges of several bush remnants. These adverse effects are sufficiently significant to warrant mitigation to compensate for the loss.

The significant reduction of the Ōtaki Railway Wetland will be offset by the creation of new areas of wetland, in the general location of the existing wetland; while the loss of bush habitat will be compensated either by planting new areas of bush or protecting existing bush that is threatened by on-going degradation. The effects of culverting will be offset by the fencing and planting of riparian areas. Mitigation will adequately meet the "no-net-loss in biodiversity" objectives contained within the PNPSIB.

The assessment did not identify any threatened or at-risk terrestrial or wetland species of flora or fauna along or immediately adjacent to the Project footprint.

The overall assessment is that with the proposed remediation measures and mitigation offsets undertaken, the adverse effects of the Expressway and the realignment of the NIMT on terrestrial ecology will be no more than minor and that "no-net-loss" in ecological values can be achieved.

It is concluded therefore that the Project is consistent with PRPS policy in relation to indigenous ecosystems.

Landscape

The PRPS acknowledges that the Region has a diversity of distinctive landscapes and that different values are attributed to these landscapes, "depending on their characteristics and our own culture, personal history, relationship with the land and ideas about what is significant". The PRPS also states that the 'landscape' is shaped and constantly re-shaped by a combination of natural processes and human actions.

The PRPS outlines the Region's significant resource management issue as being the inappropriate modification and destruction of outstanding natural features and landscapes, and significant amenity landscapes, which is causing a loss of values associated with those landscapes and features.

Objective 17 sets the overarching aim for landscape management in the Region, which is "to identify the region's outstanding natural features and landscapes, and protect their

values from inappropriate subdivision, use and development". Policies 24, 25, 26 and 27 provide direction on regional and district plan policy and regulation with respect to outstanding natural features and landscapes, and the management of 'significant amenity landscapes'.

The PRPS nominates policies that are of particular relevance in the consideration of resource consents, notices of requirements and plan changes/ variations. Both Policy 49 and 52 are relevant for the assessment of the landscape, visual and open spaces values of the Project. Policy 55 relates to managing development in rural areas, and is also relevant.

Technical Report 8, Volume 3 provides a detailed assessment of the landscape and visual effects of the Project, and this assessment is summarised in chapter 16.

The assessment acknowledges that the Expressway as a large roading infrastructure element will result in changes to the landscape. Potential landscape and visual effects include physical effects of the Project construction, effects on landscape character and landscape values and visual effects.

It is considered that the effect on the development on any rural areas will be no more than minor, given that most urbanisation along the proposed route is concentrated near the present State Highway 1. The existing environment is characterised as a developed area, and modifying elements will be concentrated into one area.

In terms of overall landscape effects the assessment is that the effect is significant for two short sections of the Project, being:

- (a) a section from North Ōtaki to Rahui Road where the Project traverses an existing community open space (the Pare-o-Matangi reserve) and an area of dune landform; and
- (b) a section from the Ōtaki River to Addington Road.

At the Ōtaki River crossing itself, while there will be a cumulative effect of placing two bridges side-by-side across the river in close proximity to the existing SH1 and NIMT bridges, the landscape and visual effects are assessed as no more than moderate.

Various mitigation measures have been proposed and are included in the Project design and conditions. While accepting that the construction of the Project will have an adverse effect on the landscape, the overall effect is considered to be acceptable.

No identified 'outstanding natural feature' is affected. Part of the Ōtaki River is identified as an ONL, but not that part affected by, or near to, the Project.

The landscape assessment assesses the effect of the new bridges on the Ōtaki River landscape as follows:

The Ōtaki River follows a braided path from the Tararua Ranges to the coast at Ōtaki Beach and provides a source of material for the shingle plant and pre-stressed concrete plant just north of the existing railway bridge and existing SH1 bridge. The river forms the southern edge to Ōtaki township with the existing SH1 bridge across the river being the current southern 'entrance' to 'gateway' to the Ōtaki Railway Retail area. These two bridges are located approximately 50m apart, crossing the river in parallel. Together, they contribute to the modified character of this section of the river and constitute a large scale, built element that dominates the setting. The modified character is reinforced by the exotic vegetation planted in rows along the banks, and the gabions placed along the edges for river protection work. A haul road that is part of the shingle plant operation runs under the northern abutments of both bridges, along with a riverbank walkway.

The landscape assessment concludes that:

The addition of the Expressway bridges approximately 100m upstream of the existing rail bridge will increase the degree of modification already in place in this

portion of the river. However, the existing environment is characterised as a developed area, with two bridges and modified embankments. The Expressway bridges will add to the overall degree of modification, but by placing them in close proximity to the existing bridges, the modifying elements will be concentrated into one area. While this has the benefit of confining the extent of modification, it does create a cumulative effect in this area. The scale of the setting and of the braided river is sufficiently large to accept the additional bridges, without dominating the landscape.

The landscape assessment concludes that the effect on the Ōtaki River landscape will be no more than "moderate" given the degree of modification that is existing.

Natural Hazards

The PRPS has three natural hazards Objectives 18, 19 and 20. In summary, these objectives seek to reduce the risks and consequences from natural hazards; ensure that these risks are not exacerbated by hazard mitigation measures; and, ensure that communities are more resilient to natural hazards, including impact from climate change. In addition, Policy 50 provides a list of matters to be considered when determining whether the risk and consequences of natural hazards on people, communities, their property and infrastructure are minimised, to assist in determining whether an activity is inappropriate.

The Project is located in an area of high seismicity. Primary geo-hazards identified along the route include active faults, fault rupture, ground shaking, earthquake induced slope failure and liquefaction. The Project also crosses the floodplains associated with the Mangaone Street, Ōtaki River and Waitohu Stream.

The issue of seismic risk is assessed in Technical Report 4, Volume 3 of the AEE report and a summary provided in chapter 13, Volume 2 of the AEE report.

The technical assessment concludes that the Expressway will have good resilience. The Expressway is likely to remain open for access in a large local magnitude 7.5 earthquake event in the Region, possibly with some reduced level of service due to road deformation associated with localised liquefaction and subsidence. These areas are likely to be able to be reinstated quickly within 3 days to 2 weeks.

The design approach has been to avoid crossing the Northern Ohariu Fault on structures which may be severely damaged and will take a long time to reinstate, but rather to cross the fault on earthworks which would enable quick restoration of access. This has been achieved.

In terms of any issues arising from the Project crossing the Waitohu Stream, Ōtaki River and Mangaone Stream floodplains, the technical assessment (refer Technical Report 9, Volume 3 of the AEE report and the summary in chapter 17 of Volume 2) concludes that natural hazards are able to be managed and mitigated through design elements. Based on the findings of the technical assessments it is concluded that the Project is consistent with the PRPS objectives relating to natural hazards.

Regional Form, Design and Function

The Regional Form section of the PRPS is concerned with "the physical arrangement within and between urban and rural communities". The PRPS acknowledges that the Wellington Region has a generally compact pattern of development, based on strong transport "corridors". The regional pattern is a strength as it supports local centres, supports passenger transport, reduces energy use and makes services more accessible. One issue highlighted in the PRPS is that "the region also has limited east-west transport linkages, which means that freight and commuter movements are focused along the north-south corridors, increasing congestion of some major routes".

Objective 21 states "A compact well designed and sustainable regional form that has an integrated, safe and responsive transport network". The Objective goes on to list twelve further attributes (a) – (l) which add to the regional form, including:

(k) efficient use of existing infrastructure (including transport network infrastructure).

Policies relevant to implementing Objective 21 include Policy 32 and Policy 53:

Policy 32: Supporting a compact, well designed and sustainable regional form – Regional Land Transport Strategy.

Policy 53: Achieving the region's urban design principles.

Furthermore, Policy 56 directs the consideration of integrated land transport matters for the assessment of a notice of requirement. The matters identified in this policy are:

(a) whether traffic generated by the proposed development can be accommodated within the existing transport network and the impacts on the efficiency, reliability or safety of the network;

(b) connectivity with, or provision of access to, public services or activities, key centres of employment activity or retail activity, open spaces or recreational areas;

(c) where there is good access to the strategic public transport network;

(d) provision for safe and attractive environments for walking and cycling;

(e) whether new, or upgrades to existing, transport network infrastructure have been appropriately recognised and provided for.

Having regard to Objective 21 and the related relevant policies (including overall urban design principles), the following points are relevant:

- In relation to the integrated approach to land use and transportation promoted by Objective 21, the NZTA has, in developing the Project, prepared and been guided by an ULDF (Technical Report 23, Volume 3). The ULDF contains a full description of the urban and landscape design context for the Project;
- Existing urban form and land use patterns are not significantly disrupted by the Project. The Expressway route follows closely the alignment of the existing SH1 and NIMT railway. The Project does not result in a new transport corridor;
- A key design outcome, which was strongly influenced by community input through the consultation process, was retention of the underlying urban form within Ōtaki township and, in particular, the east/west connection across the Expressway at Rahui Road at the northern end of the Ōtaki Railway Retail area;
- The form of the new south Ōtaki and north Ōtaki interchanges that 'bookend' the township, and their ease of use reinforced through strong 'gateway' signage, is a key component of the Project in relation to enhancing the amenity of the Ōtaki Railway Retail area and contributing to its economic viability; and
- The Ōtaki interchanges also provide good connectivity between the Expressway and the growing industrial / 'clean tech' area around the Riverbank Road area at the southern end of Ōtaki, and other future land use development and growth for Ōtaki Township, which is the 'focus' area for growth at the northern end of the Kāpiti district and the Region.

At the wider regional level, the Project assists in accommodating the Region's growth in a manner consistent with the PRPS, and its strategic objectives by improving accessibility and efficiency of the transport network between centres of economic development and growth (Policy 56 and Policy 57).

In conclusion, the Project is assessed as being consistent with the PRPS objective and related policies on regional form, design and functioning.

Tangata Whenua

Chapter 3.10 of the PRPS focuses on tangata whenua aspirations for achieving an integrated and holistic approach to managing the Region's natural and physical resources. The PRPS explains that kaitiakitanga is the environmental guardianship system of tangata whenua, which is based on Māori views of the world and its origins, and the principle that everything is inter-related and inter-connected. Mauri is the life force that exists in all things in the natural world. Tikanga, or customary practices, are followed in order to protect mauri. Observing tikanga is central to kaitiakitanga. Kaitiakitanga is a parallel system of environmental management that should be given equal consideration in resource management.

Objective 22 promotes working together on resource management, and Policy 66 seeks to enhance the involvement of iwi in decision-making processes. Objective 23 and Policy 47 emphasise the statutory requirement to take into account the principles of the Treaty of Waitangi and Objective 25 seeks to ensure the concept of kaitiakitanga is integrated into the Region's resource management. Policy 48 implements the tangata whenua objectives by directing the avoidance of adverse effects on matters of significance to tangata whenua, and links are made back to topic-based chapters (indigenous ecosystems, heritage and water quality) to ensure integrated resource management.

The tangata whenua for the Project area (Peka Peka to North Ōtaki) are Nga Hapū o Ōtaki which comprises five Ōtaki resident Ngati Raukawa hapū.

There has been close and on-going consultation and engagement with Nga Hapū o Ōtaki throughout the design process. This consultation and engagement has been directed toward ensuring that the NZTA had a full appreciation and understanding of the significance of any issues of concern and/or interest to tangata whenua. Representatives of Nga Hapū o Ōtaki have participated in site visits and 'route walkovers' during which tangata whenua input and advice to understanding Māori values was sought by the NZTA.

In this way tangata whenua have been key stakeholders in, and contributors to, the route selection and associated Project design processes. This involvement has included the preparation of a cultural impact assessment report by Nga Hapū o Ōtaki (refer Technical Report 19, Volume 3 of the AEE report).

Notwithstanding this consultative process with Nga Hapū o Ōtaki, there are limited locations where the Project traverses a landscape potentially containing sites of cultural significance to tangata whenua. Mitigation measures have been identified and agreed with Nga Hapū o Ōtaki to remedy or mitigate these effects. To this end an MoU has been entered into between the NZTA and Nga Hapū o Ōtaki to ensure on-going consultation and engagement through the continuing developed design processes and construction.

The Project is therefore seen to be consistent with the tangata whenua objectives and policies in the PRPS, and the process of engaging with tangata whenua has been in accordance with the principles of the Treaty of Waitangi.

Soil and Minerals

Issue 3 of the PRPS acknowledges highly productive agricultural land is under threat from development, including the construction of roads. Accelerated soil erosion is another key issue (Issue 1) and Objective 28 promotes land management practices that do not accelerate soil erosion. Objective 29 promotes maintaining the desirable characteristics of soils that enable them to have an ecosystem function. To implement these objectives, Policies 14 and 40 seek to minimise effects from earthworks and vegetation disturbance on aquatic ecosystem health from slit and sedimentation and Policy 59 directs

consideration of the productive capability for agriculture Class 1 and II land. Having regard to these objectives and policies, the following points are relevant:

- The Project area traverses environments with different soil, vegetation and hydrological characteristics (including class I and II soils), and the design and construction of the Project, and the environmental management, has been tailored to address these different characteristics;
- Significant earthworks, vegetation removal and disturbance will be necessary along the Expressway alignment. The adverse effects of these works on the health of the river, streams and wetlands have been evaluated in Technical Reports 9 through to 12, Volume 3. The findings of these assessments conclude, subject to recommended mitigation measures, and the implementation of an ESCP, that any effects on the water quality of streams and wetlands will be less than minor; and
- Although the Expressway alignment will result in the loss of productive land, given that the Expressway closely follows the alignment of the existing SH1 and NIMT railway for most of its length, this loss is not significant.

In conclusion, it is assessed that the Project is consistent with achieving the objectives and policies of the PRPS in relation to the management of the soil resources of the district. Any loss of existing soil resource/productive land will be less than minor.

33.5 Regional Plans

Regional Plans provide guidance for the carrying out of GWRC's functions under the RMA. There are five regional plans that are relevant to the Project. These are:

- Regional Freshwater Plan for the Wellington Region 1999;
- Regional Air Quality Management Plan for the Wellington Region 2000;
- Regional Coastal Plan for the Wellington Region 2000;
- Regional Plan for Discharges to Land for the Wellington Region 1999; and
- Regional Soil Plan for the Wellington Region 2000.

33.5.1 Regional Freshwater Plan

The RFWP applies to all freshwater in the region, including water in rivers, lakes, streams, ponds, aquifers and artificial watercourses, but excluding freshwater in the coastal marine area (CMA). It applies to all land in rivers and lake beds, and all types of activities that use freshwater or that occur in the beds of rivers and lakes.

Table 3-2 in chapter 3 provides detail on the type and activity status of the regional consents required.

General Policies and Objectives

Chapter 4 of the RFWP sets out general objectives and policies which the consent authority will have regard to when assessing applications for resource consents for projects that involve works that affect freshwater resources. In summary, objectives and policies considered to be particularly relevant to this Project include:

- Objectives 4.1.1-4.1.3 and Policies 4.2.1-4.2.8 (the relationship of tangata whenua with freshwater);
- Objectives 4.1.4-4.1.6 and Policies 4.2.9-4.2.14 (Natural values);
- Objectives 4.1.7 and 4.1.8 and Policies 4.2.15-4.2.17 (Amenity values and access);
- Objectives 4.1.9 and 4.1.10 and Policies 4.2.18-4.2.22 (Flood mitigation); and
- Objectives 4.1.11-4.1.17 and Policies 4.2.23-4.3.38 (Use and development).

These topic areas are assessed below.

The Relationship of Tangata Whenua with Fresh Water

Consultation with tangata whenua has been a significant part of the information gathering and development stages of the Project. Consultation with iwi authorities, in particular the resident Ngāti Raukawa hapū in Ōtāki, Nga Hapū o Ōtāki, commenced in early 2010 and continued throughout the development phases of the Project. This engagement and consultation provided the NZTA with an understanding of the cultural values of the site and the wider locality. Thus, tangata whenua have been a key stakeholder since the commencement of project investigations and influenced the shaping of the final project and mitigation measures. The NZTA considers that the process and outcomes of the Project demonstrate recognition of principles of the Treaty of Waitangi (the partnership between tangata whenua and the NZTA as a Crown agency). On this basis it is concluded that the Project is consistent with these objectives and policies (Objective 4.1.1 and 4.1.3 and Policies 4.2.2 and 4.2.6).

The CIA prepared by Nga Hapū o Ōtāki to inform the AEE (Technical Report 19, in Volume 2 of the AEE report) provides background on the cultural values of local waterways to the tangata whenua. With regard to fresh water, the CIA observes that culvert works on the Mangapouri Stream will not interfere with the kaitiakitanga of Nga Hapū o Ōtāki. During construction of the Project there will be on-going involvement with tangata whenua (Policy 4.2.7).

Overall, it is concluded that the Project will allow tangata whenua to maintain their relationship with fresh water.

Natural Values

The natural values objectives cover matters in relation to the natural character of wetlands, lakes and rivers (and their margins), life-supporting capacity of water and aquatic ecosystems and significant indigenous aquatic vegetation and habitats. The objectives reflect the purpose and principles of Part 2, set out in sections 5(2)(b), 6(a) and 6(c) of the RMA, in reference to freshwater natural resources. The policies provide methods to characterise (and therefore identify) high priority water resources and then apply commensurate levels of protection.

Given the national priority of protection of natural character (RMA section 6(a)), there is a consistent direction in the objectives and policies of the RPS and PRPS which flows through into the RFWP.

Policy 4.2.9 sets out the characteristics to be considered when considering the protection of the natural character of streams and wetlands. Policy 4.2.10 provides direction for the management of the natural character of the water bodies and their margins listed in Appendix 2. This includes all water bodies and river beds within the catchment of the Ōtāki River upstream of the Suspension Bridge at S26 958 402, and all river and lake beds and water bodies upstream of Park Boundaries marked on NZMS 260 series maps that have their sources in, and flow in the Tararua Forest Park. These catchments are outside the Expressway alignment, and upstream of points where the Expressway crosses the Ōtāki River.

Policy 4.2.11 requires adverse effects on freshwater environments to be avoided, remedied or mitigated. In particular, Policies 4.2.13 and 4.2.14 relate to the protection of nationally threatened indigenous aquatic plants and nationally threatened freshwater fauna. Parts of the area affected by the Project may contain nationally threatened plants and fauna but consideration of this has been given in determining the mitigation appropriate for the Project.

The aquatic ecology report (Technical Report 12, Volume 3) outlines that adverse effects on streams, and the species within them, can be avoided through effective implementation of the CEMP and ESCP. Where adverse effects of the Project are unavoidable, measures such as the creation of new wetlands within the stormwater swale system will mitigate for

the loss, such as the Ōtaki Railway Wetland. An adaptive management approach will be applied throughout the duration of the construction of the Project whereby any adverse changes that arise can be monitored and responded to accordingly.

The results of assessments carried out on all waterways throughout the Project area are outlined in Technical Report 12. These ecological values were one of the contributing factors that informed the decision-making process that led to the final alignment. A key aspect of this aspect of the decision-making process was the ability to avoid adverse effects on streams and wetlands, and where this could not occur, options were available for the remedying or mitigating of effects (including through offsetting).

The natural character of wetlands and rivers are preserved and protected (Objective 4.1.4) through the Project. The modification of freshwater environments such as wetlands, streams and rivers throughout the extent of the Project, will be appropriately mitigated by the implementation of riparian planting and restoration and through offsetting to compensate for any loss of wetland habitat.

Amenity Values and Access

Maintaining and enhancing access to lakes and rivers (and the coast) is to be recognised and provided for as a matter of national importance under section 6(d) of the RMA. Section 7(c) of the RMA also requires particular regard to maintaining and enhancing amenity values. Consequently, this is given a high status in the relevant planning instruments including the RFWP. Specifically, Objectives 4.1.7 and 4.1.8 and Policies 4.2.15 to 4.2.17 of the RFWP relate to amenity values and access.

Objective 4.1.7 outlines that the amenity and recreational values of wetlands, and lakes, and rivers are maintained, and where appropriate enhanced. The works proposed to remedy and mitigate adverse effects of the Project on freshwater environments will have a positive overall effect on amenity values.

There will be short term limitations imposed on access to various stretches of waterways during the construction of the Project due to safety reasons. However, alternative routes will be supplied and clearly signposted. After the construction of the Project is completed, there will be an overall enhancement in access to streams and their margins (Objective 4.1.8).

Policy 4.2.15 refers specifically to the water bodies identified in Appendix 5 of the RFWP in relation to their regionally important amenity and recreational values. The Ōtaki River, in the vicinity of the Project, is identified as being important for kayaking and angling. Further upstream reaches of the River are also identified as being important for rafting and tubing. The construction of the Ōtaki River Bridges will affect the amenity and recreational values associated with this section of the River. However, there are already two bridges, the current SH1 bridge and the Ōtaki River Rail Bridge. As such this stretch of the River has already been modified. The Project effectively 'groups' infrastructure together, minimising adverse effects that the bridges would have if located elsewhere on the River. The design of the bridges has been undertaken so as to minimise the presence and obtrusiveness of the structure. In addition, the proposed plantings around the bridge will lessen the visual impact.

Many of the streams which will be affected by the proposal currently have little riparian cover. Through the riparian and restoration measures proposed with the Project the overall amenity and recreational value associated with the freshwater environments will be enhanced (Objective 4.1.7).

Overall, while there are adverse effects on amenity values and access to and along watercourses, the mitigation proposed will provide an overall positive outcome. Consequently, the Project is assessed as being consistent with the relevant policies of the RFWP.

Flood Mitigation

Objectives 4.1.9 and 4.1.10 and Policies 4.2.18-4.2.22 are concerned with health and safety of the public and the effects of flooding both on natural and physical resources including people's property.

Hydrological investigations undertaken have improved the understanding of flood flows and the potential for adverse effects throughout the Project area. This information has informed the design of the Project and the mitigation measures proposed (Policy 4.2.20).

The design of the Project incorporates an elevated transport link across the floodplains of four waterways, and therefore effects on natural drainage. The design of the Project was undertaken on the basis of achieving hydraulic neutrality, whereby the effect of flood hazards should in general be no worse than the current situation. Measures by which this has been largely achieved include:

- Attenuation of swales and wetlands;
- Secondary containment bunds;
- Dry culverts within the Expressway embankment to allow for natural flow paths to be maintained;
- Low head culvert design; and
- Overflow weir sections incorporated into the road profile to provide a secondary means of water flow;

It is considered that the potential adverse effects of the Project on flood risk can be appropriately mitigated (Objectives 4.1.9 and 4.1.10 and Policy 4.2.18).

In addition, the proposed stormwater system will largely ensure that run-off from the Expressway will not exacerbate flood risks during significant rainfall events. Therefore, the Project is considered to be consistent with Objectives 4.1.9 and 4.1.10.

Use and Development

The use and development objectives and policies refer to the enabling aspect of the RMA, as set out in section 5, where people and communities are able to use and develop freshwater resources to provide for their social, economic and cultural well-being and for their health and safety (Objective 4.1.11).

Encouragement is also provided to activities that enhance freshwater resources (Objective 4.1.13) and recognition given to the adverse effects of the use and development of freshwater resources being avoided, remedied and mitigated (Objective 4.1.12).

With respect to lawful water users (Objective 4.1.14 and Policy 4.2.29) the NZTA has worked with the GWRC to understand the requirements of the Regional water supply, and the management of continuity of quality and supply of water during construction. Landowner access to water will also be provided, as required, by the NZTA (Policy 4.2.29).

There will be temporary adverse effects on water quality associated with the construction of the Project as discussed in Technical Report 12 Volume 3. However, these will be appropriately managed and mitigated and, in the long run, these will be countered by the riparian and restoration works that are proposed to be undertaken (Objectives 4.1.12 and 4.1.13, and Policy 4.2.23). Opportunities have also been identified where offsetting can be used to counter the loss of wetlands or adverse effects on waterways that cannot be avoided. The enhancement of freshwater resources is encouraged through Policy 4.2.27.

Conditions have been developed that offer an effective means through which adverse effects can be avoided, remedied or mitigated through the construction of the Project (Objective 4.1.17). Policy 4.2.34 seeks to avoid, remedy or mitigate effects by using conditions, and the policy explanation cross-references to section 108 of the RMA. Policies 4.2.35 and 4.2.36 set out the matters to have regard to when determining the

nature and extent of any conditions that may be imposed on a resource consent. Policy 4.2.33 seeks to provide for those activities which will have no more than minor adverse effects on the environment and sets out specific criteria (1) to (7) to assess an activity against.

Because of the comprehensive and integrated approach adopted in regard to the mitigation of adverse effects, it is considered that overall the Project is consistent with the Objectives and Policies relevant to use and development of water resources.

Water Quality and Discharges to Fresh Water

The Water Quality objectives emphasise the sustainable management of freshwater resources (Objective 5.1.1 and 5.1.2), and also specify that the quality of water, as far as possible, is consistent with the values of the tangata whenua (Objective 5.1.3).

The Project design has sought to maintain and, in some cases, enhance water quality. There will be some temporary adverse effects on water quality during construction which will be appropriately managed and mitigated. However, there will be a long-term positive effect on water quality as a result of stormwater treatment that is not more than minor, riparian re-vegetation and native planting. The mitigation as part of the Project will result in a long term benefit (Objective 5.1.1 and 5.1.2; Policy 5.2.1).

Water quality was identified by Nga Hapū o Ōtaki as an important aspect for which tangata whenua have a strong interest (Technical Report 19, Volume 3 of the AEE report). On-going involvement will be maintained throughout the construction of the Project to ensure that the values of tangata whenua regarding the quality of water are recognised (Objective 5.1.3).

The water quality of streams affected by the Project will be managed during the construction phase to appropriately avoid and mitigate adverse effects. It is anticipated that for some streams the proposed riparian planting and mitigation will result in medium to long-term benefits (Objective 5.1.2 and Policy 5.2.6). Policy 5.2.9 relates to water bodies in which water is to be enhanced, and the Mangaone Stream is identified as one such water body. As with other waterways, enhancements of the waterway will be achieved through riparian plantings and restoration works and incorporating fish passages where appropriate.

The Project design incorporates swales and attenuation wetland areas along the Expressway alignment to capture stormwater discharge and treat this water as it moves westward towards the coast. Policy 5.2.14 encourages the treatment of stormwater discharges and the Project is consistent with this approach. The operation of the stormwater system will be carried out in a way that appropriately manages the quality of the discharge.

Policy 5.2.10 allows for consideration of applications to discharge contaminants where they do not satisfy Policies 5.2.1 to 5.2.9, subject to criteria (1) to (5). Although there will be some adverse construction effects on water quality, it is considered that the Project will meet these criteria because the construction works are temporary in nature and will be appropriately managed through the CEMP.

As part of the CEMP, the position of the refuelling, machinery storage and construction are not to be in close proximity to surface water bodies. As a precaution, the CEMP also requires contractors to have an agreed accidental spill management process in case a spill event should happen, to ensure that contractors will be able to minimise the effects of any event.

Overall, it is considered that the Project is consistent with the Water Quality objectives and policies.

Water Quantity

Objectives 6.1-6.1.4 and Policies 6.2.1-6.2.19 set out the water quantity objectives and policies in chapter 6 of the RFWP. These relate to the taking, use, damming or diversion of freshwater.

The Project involves the temporary diversion of water courses during construction stages, the effect of which will be low in the short-term and neutral to positive following completion of mitigation works (Objective 6.1.1 and Policies 6.2.1 and 6.2.2). Three of the watercourses that the Project will traverse are listed under Policy 6.2.1 which stipulates minimum flows and water allocation, these watercourses being the:

- Waitohu Stream;
- Ōtaki River; and
- Mangaone Stream.

The parameters of Policy 6.2.1 have been considered in the development of the Project.

To ensure that appropriate mitigation measures are triggered in the event that actual changes to groundwater levels differ from those predicted, a monitoring programme will be implemented prior to the commencement of construction.

Geotechnical investigations (Technical Report 4, Volume 3) have confirmed areas throughout the alignment that require ground improvements. For this to be undertaken localised groundwater levels are required to be lowered. This is not expected to have an adverse effect on the environment, or on groundwater takes and will be undertaken with the aquifer allocation limits outlined in Policy 6.2.3.

To provide water supply for the construction phase of the Project, it is proposed to install four bores in appropriate locations to access groundwater. It is not anticipated that surface water will be required, beyond that held in sediment control structures. The use of groundwater as a preference to surface water recognises the importance of maintaining quantity for ecological, recreational and amenity values in line with Policy 6.2.7. The construction of bores/wells required for the Project will avoid damage to and contamination of the underlining aquifer (Policy 6.2.4). Extractions from bores will seek to avoid any significant adverse effects on other nearby bores and on surface water (Policy 6.2.8).

Temporary diversions will be utilised throughout the construction stages of the Project. This may have localised adverse effects in the short term but in the long term these will be minimal (Policy 6.2.14).

Diversion of water between catchments is not proposed as part of the Project. This accords with tikanga Māori (Policy 6.2.16).

The Project is not considered to have any significant adverse effects on river flows, water levels in wetlands or on groundwater yields (Policy 6.2.17). In areas where effects are unavoidable, such as the loss of the Railway Wetland, riparian planting, restoration and offsetting have been utilised so that there are no net environmental losses as a result of the Project.

Overall, it is considered that the Project will be consistent with the water quantity objectives and policies of the RFWP.

Use of the Beds of Rivers and Lakes and Development on the Floodplain

Objectives 7.1.1-7.1.4 and Policies 7.2.1-7.2.15 of chapter 7 are particularly concerned with appropriate use of the beds of lakes and rivers while avoiding, remedying or mitigating any adverse effects and being consistent with the values of tangata whenua. Maintaining flood mitigation works is also recognised.

The Project involves activities and installing structures in the beds of streams. Policy 7.2.1 is relevant because it seeks to allow for particular uses within river and lake beds where adverse effects can be avoided, remedied or mitigated (with reference to Policy 7.2.2), which include:

- *structures for transportation and network utility purposes;*
- *structures for activities which need to be located in, on, under, or over the beds of rivers and lakes;*
- *the diversion of water associated with activities that are otherwise authorised; and the enhancement of the natural character of any wetland, lake or river and its margins.*

The integrated engineering and environmental team design process, comprising a wide range of technical specialists, has enabled a continuing refinement of the Project design and the approach to avoiding, remedying or mitigating any adverse effects on the environment (Objective 7.1.1).

Policy 7.2.1 seeks to provide for particular uses within river and lake beds provided that any adverse effects are avoided, remedied or mitigated and that the significant adverse effects identified on the matters and values in Policy 7.2.2 are avoided. Policy 7.2.2 lists the following:

- *the values held by tangata whenua; and/or*
- *natural or amenity values; and/or*
- *lawful public access along a river or lake bed; and/or*
- *the flood hazard; and/or*
- *river or lake bed or bank stability; and/or*
- *water quality; and/or*
- *water quantity and hydraulic processes (such as river flows and sediment transport); and/or*
- *the safety of canoeists or rafters.*

Objective 7.2.2 outlines that the risk of flooding should not be exacerbated by locating structures on the beds of rivers and lakes or on the floodplain. The Expressway embankment will bisect the floodplains and traverse several water courses throughout the Project area. Technical Report 9, Volume 3, outlines the approach of achieving hydraulic neutrality and how the effect of the Expressway on flooding is mitigated via the incorporation of measures such as dry culverts to allow for natural flow paths to be maintained. The flood mitigation structures have been developed using hydrological modelling (Technical Report 9) to provide a holistic approach for addressing effects on flooding (Policies 7.2.3 and 7.2.4).

The Project will not compromise the functioning of existing flood mitigation structures (Objective 7.2.3 and Policy 7.2.7). The design of the Project has incorporated this into the flood mitigation proposed.

As outlined in Technical Report 12, Volume 3, several watercourses will be altered through the use of culverts or moving the stream route. The Project incorporates extensive areas of protection and restoration to mitigate for this loss (Objective 7.1.1 and Policy 7.2.2).

While it is expected that the construction period will result in some adverse effects on the beds of streams and rivers throughout the Project area, the CEMP and the various specific management plans will minimise these. Overall, through the remediation, restoration and offsetting there will be an improvement in water quality and in the quality of in stream habitats. Therefore, the Project is considered to be consistent with the objectives and policies of chapter 7 of the RFWP.

33.5.2 Regional Air Quality Management Plan

The RAQMP applies to discharges to air in the whole of the Wellington Region, excluding the coastal marine area and sets out objectives and policies to manage these discharges.

Table 3-2 in chapter 3, provides further detail on the type and activity status of the relevant regional consents required, with all discharges to air submitted as being permitted activities. The following assessment is however provided for completeness.

Objective 4.1.1 of the RAQMP aims to maintain and protect the high quality air in the Region, enhance degraded air quality, and ensure there is no significant deterioration in ambient air quality. Objective 4.1.2 aims to manage (avoid, remedy and mitigate) adverse effects from air discharges.

The assessment of the RAQMP is relevant to the Project because of the anticipated air discharges associated with the construction activities. Policies 4.2.6, 4.2.7, 4.2.14 and 4.2.15 provide direction on the analysis of effects, sensitive environments, and best practice (minimise at source). Policies 4.2.22 and 4.2.23 are also noted in terms of their reference to effects of discharges to air from mobile transport sources, the promotion of improved air quality through different modes of transport and reduction of motor vehicle congestion in urban centres.

An evaluation of the effects of the Project on operational air quality, and air quality during construction is included in Technical Report 13, Volume 3. Based on these assessments the Project is considered to be consistent with the intent expressed in the relevant objectives and policies for the following reasons:

- Air Quality: overall, the Project is expected to improve air quality in the Project area, partly as a result of improved traffic flows and corresponding reductions in traffic emissions, as well as due to improvements in vehicle technology;
- Reductions in concentrations of vehicle air pollutants are expected:
 - along the existing SH1 through the Ōtaki Railway Retail area; and
 - along the western side of the main arterial road through Te Horo;
- Significant increases are not expected at the South Ōtaki interchange;
- Minor increases in concentrations are expected:
 - to receptors within 200m of the Expressway through Ōtaki township; and
 - along the eastern side of the Expressway through Te Horo;
- Increases in concentrations are expected to be well below air quality assessment criteria, and no mitigations are proposed for operational effects to air quality; and
- Effects from construction - Project construction has the potential to generate dust which may have an adverse effect on air quality, particularly during the large scale earthworks. This potential effect is proposed to be mitigated to an acceptable level through the dust management measures detailed in the CAQMP (Appendix B of the CEMP, Volume 4).

33.5.3 Regional Coastal Plan

There are no activities or structures proposed to be undertaken within the CMA, and no resource consents are required for works in the CMA. There are also no anticipated direct effects on marine ecological values due to the construction or operation of the Project as the alignment is located some considerable distance (3 to 4 kilometres) from the marine environment. Potential effects could occur during the construction and operational phases of the Project as a result of run-off to the Ōtaki River and other streams the Expressway crosses, which in turn discharge to the marine environment. However, given the proposed mitigation measures, any such discharges will be minimal and any effects on the marine

environment indiscernible (refer chapters 18 and 20, Volume 2, and Technical Reports 10 and 12, Volume 3).

The overall conclusion is that the Project does not raise issues of concern in relation to the objectives and policies of the Regional Coastal Plan, including the objectives and policies relating to: managing land based activities within the CMA; the discharge of contaminants to coastal water; or tangata whenua values associated with the CMA.

33.5.4 Regional Plan for Discharges to Land

The RDLP applies to the whole of the Wellington Region, except the coastal marine area, and manages discharges of contaminants to land, both solid (such as contaminated soil) and liquid (such as stormwater and human effluent), to ensure that the receiving environment is sustainably managed. Discharges of particular relevance to the Project that are regulated under the Plan include:

- disposal to land of any contaminated material; and
- discharge of hazardous substances (including pesticides, waste oil, discharges from contaminated sites).

The Project has been assessed against the RDLP objectives and policies, and Policies 4.2.1, 4.2.8, 4.2.30 and 4.2.41-4.2.49 have been identified as being relevant to the assessment. These policies address matters relating to waste management and the management of identified contaminated soil, particularly its use, capping and/or disposal.

The following principal points are noted:

- The NZTA implements a general Environmental Plan that contains objectives on resource efficiency (Objective RE1 and RE2) and aims to manage waste in a cost effective and sustainable manner. Consequently, the waste generated during the construction of the Project would be managed, taking into consideration the waste management hierarchy to reduce, re-use, recycle and recovery, along with responsible disposal of residual waste. This consideration of waste minimisation and management will be consistent with Policy 4.2.1 and Policy 4.2.8.
- Policy 4.2.30 seeks to reduce the environmental effects of unplanned discharges of hazardous substances. The CEMP includes methods to ensure best practice is implemented with respect to the use and application of hazardous substances, and to reduce the risk of unplanned hazardous discharges occurring (refer Volume 4).
- Policies 4.2.44 – 4.2.49 address the identification, use and management of contaminated sites. The specialist assessment (chapter 23, Volume 2) has identified five sites with potential for ground contamination:
 - Ōtaki Railway Station: current and historic railway maintenance and operation activities. Potential sources of contamination within the Project corridor;
 - Ōtaki railway sidings: current or historic railway maintenance and operational activities. Potential sources of contamination within the Project corridor;
 - Winstone Aggregates: current and historical maintenance, operational and fuel storage activities. Potential sources of contamination within the Project corridor;
 - Clifden: historic fuel storage and potential for septic tanks. Potential sources of contamination within the Project corridor; and
 - Mary Crest: historic fuel storage and potential for septic tanks. Potential sources of contamination within the Project corridor.

Detailed investigations and resource consents for the management of soil contamination will be applied for following detail design.

With the implementation of these measures, the construction and operation of the proposed Expressway is consistent with the objectives and policies of the RDLF.

33.5.5 Wellington Regional Soil Plan

The RSP manages soil and vegetation disturbance activities for the purpose of soil conservation and water quality. Consents relating to earthworks and land disturbance are being sought for the Project, and Table 3-2 in chapter 3 provides further detail on the type and activity status of the relevant consents required.

This section includes an assessment of these proposed works against the relevant objectives and policies of the RSP. It is noted that many of the objective and policy matters identified in the RSP are consistent with, overlap those identified in the NZCPS, PRPS and RFWP.

The assessment of the Project against the RFWP is particularly relevant because, during its construction, the Project is a large-scale earthworks site and the consideration of effects is directly related to the in-stream health of the freshwater habitats in the Kāpiti district. The themes in the objectives and policies of the RFWP and the RSP are similar, and the conclusion of the assessment of the proposal against the RSP is therefore similar. The objectives and policies contained in Section 4 of the RSP are all considered to be directly relevant to the assessment of the Project.

The following matters are relevant:

- Objectives 4.1.8, 4.1.9, 4.1.10 and 4.1.11 promote avoiding, remedying and mitigating the effects of vegetation removal and earthworks, with a particular emphasis on riparian vegetation. The Project is consistent with this approach, and a flexible conditions framework involving the use of management plans and performance standards to promote this approach during construction is sought.
- Policy 4.2.2 requires the consideration of locating activities which have the potential for irreversible effects on soils, in certain areas, in particular where there are soils of low versatility. While consideration of the soil versatility is one element in the overall determination of the Project location, the ultimate decision is that the Expressway be located where proposed for a range of reasons, and as a result, the Expressway will cross Class I and II soils and will impact on the future ability of these soils to be used for other activities.
- A draft ESCP has been prepared (refer Appendix C, Volume 4 of the AEE report). The ESCP is consistent with both GWRC and the NZTA's erosion and sediment control guidelines and is therefore consistent with Policy 4.2.15 and 4.2.16. Erosion and sediment control principles incorporated into the ESCP include:
 - minimising disturbance;
 - staging construction;
 - protecting steep slopes;
 - protecting water bodies;
 - progressive and rapid stabilisation of disturbed areas;
 - controlling surface water; and
 - using sediment retention devices.
- As more detailed design occurs as the Project progresses, site-specific environmental management plans will be prepared and implemented prior to construction.
- Landscape and visual measures to mitigate the effects of the Project on landform are also proposed. These were derived from the assessment of landscape and visual effects that was undertaken (refer Technical Report 8, Volume 3 of the AEE report) and involve, in particular, the shaping of the bunds and screen planting.

- Mitigation planting is proposed along significant portions of the Expressway. The integrated approach to the design and plant mix specifications of the proposed planting will achieve a result that respects ecological, landscape and cultural values. The vegetation will also help improve long term soil conservation values, an outcome which would be consistent with Policies 4.2.13 and 4.2.14.

With the implementation of the above measures, the construction and operation of the Project would be consistent with the objectives and policies of the RSP.

33.6 Kāpiti Coast District Plan 1999

The list of considerations for requirements, as set out in Section 171 of the RMA, include, amongst other matters, having particular regard to any relevant provisions of a district plan or proposed plan. The NoRs by the NZTA and KiwiRail relate to land managed under the provisions of the KCDP.

33.6.1 Existing Designations

The KCDP includes the following (existing) designations that are potentially relevant to the Project:

- Designation D010 - the existing SH1 through the district. The NZTA is the requiring authority.
- Designation D0301 - the existing NIMT railway through the district. New Zealand Railways Corporation / KiwiRail is the requiring authority.
- Designation D0404 - Chrystalls Extended Stopbank. GWRC is the requiring authority.
- Designation 0901 - Telecommunication and radio communication and ancillary purposes. SHI, Te Horo. Telecom NZ Ltd is the requiring authority.
- Designation D1135 - district-wide (local) roads. KCDC is the requiring authority.
- Designation D1120 - Water supply Hautere/Te Horo Bores and treatment plant. KCDC is the requiring authority.
- Designation D1121 - Ōtaki Water Bores (1), (2) and (3). KCDC is the requiring authority.

The NZTA will need the prior written consent of the Telecom NZ Ltd and KCDC as the respective requiring authorities in relation to Designations D0901, D1135, D1120 and D1121, if the Project has any effect on those designations. It is understood that there will be no effect on Designations D0901, D1120 and D1121.

In respect of Designation D0301 - the existing NIMT railway, the relevant section of the NIMT at Ōtaki is to be realigned. This is intended to occur prior to the construction of the Expressway, so that part of the existing designation can be removed and/or written consent provided by KiwiRail to enable the Expressway to proceed in that location.

33.6.2 Zones

The Expressway alignment traverses the following zones:

- Rural;
- Residential; and
- River Corridor.

In addition to these underlying zones, there are a number of other KCDP items that are located under or closely adjacent to the Project footprint:

- outstanding natural landscape (Ōtaki River);⁵⁸
- B1 Ōtaki Railway Station;
- B54 Once Te Horo Railway Station;
- K037 Cottle's Bush;
- K038 Hautere Bush F;
- K134 Ōtaki Railway Wetland; and
- G10 Te Horo "abandoned" sea cliff.

There are a number of objectives and policies contained in the following sections of the KCDP that are of relevance to the Project:

- Residential Zone (C1.1);
- Rural Zone (C.2.1);
- Tangata Whenua (C.6.1);
- Earthworks (C7.3.1);
- Heritage (C.8.1);
- Landscape (C.10.1);
- Ecology (C.11.1);
- Noise (C.14.1);
- Natural Hazards (C.15.1); and
- Transport (C18.1).

The assessment that follows has had regard to these provisions, which are referenced where appropriate.

Residential Zone

The objectives and policies relating to the Residential Zone seek to maintain the character and amenity of those areas.

Whilst the Expressway and the realigned section of the NIMT generally follow the alignment of the existing SH1 and NIMT, at Ōtaki an area of residential land and approximately 12 existing houses will need to be removed. The total number of existing houses that will need to be removed over the full length of the Project is approximately 30.

North of Rahui Road/Mill Road, where the route lies to the west of the existing SH1, a number of residential properties will 'back onto' the Expressway. Whereas at present some of these properties' outlook to the west is across a dune landscape, the Expressway will be a significant new element in the landscape. A range of mitigation measures relating to visual and noise mitigation are proposed to reduce the loss of residential amenity as far as practicable. Other measures include addressing construction-related effects through the implementation of relevant site-specific environmental management plans.

⁵⁸ Note the identification applies to the upper reaches of the Ōtaki River (refer Planning Map 22) and not the section of the river in the vicinity of the SH1 and NIMT bridges (refer Planning Map 18). The latter section of the Ōtaki River is subject to Designation D0404 "Chrystalls Extended Stopbank", for which the GWRC is the requiring authority.

Rural Zone

For much of its route, the Project traverses rural zoned land. Some of the land is used for agricultural or horticultural purposes, while some is developed into 'rural life style' blocks. At Te Horo, the settlement is a significant feature on rural zoned land.

The primary objective for the Rural Zone is:

Objective 1.0 General - Ensure that any effects of activities on the natural and physical environment of rural areas and of rural based activities beyond this environment are avoided, remedied or mitigated with particular regard to sustaining the life supporting capacity of the resources of the land to meet the needs of future generations.

The new Expressway will 'sit' in this rural landscape and therefore be a significant new feature. Some rural zoned land will be 'lost' to roading purposes. Some stands of native vegetation adjacent to the Expressway will be affected.

Avoidance and mitigation measures will reduce the significance of the adverse effects on the rural land resource and its associated character and amenity values. These measures will include:

- avoidance of wetland and bush areas (e.g. at Mary Crest);
- screen planting of native species;
- landscaped bunds;
- planting of replacement shelter belts and amenity tree planting; and
- landscape and ecological mitigation planting to reinstate the exposed western edges of the various stands of native vegetation.

The aim is to integrate the Project into its 'receiving' environment to the greatest extent possible.

A ULDF – refer Technical Report 23, Volume 3 of the AEE report, has been prepared to 'guide' the integrated design process.

33.6.3 Tangata Whenua

In relation to tangata whenua the KCDP (Objective C.6.1) adopts similar wording to that in Part 2 of the RMA with reference to taking into account the principles of the Treaty of Waitangi, having particular regard to kaitiakitanga, and ensuring the relationship of tangata whenua with the natural environment is recognised and provided for.

In relation to tangata whenua 'representation', Policy 1 under Objective C.6.1 states:

Recognise Te Runanga o Toa Rangatira Inc., Te Runanga o Raukawa Inc., and Ati Awa ki Whakarongotai Inc. as the authorised voices of tangata whenua.

The attached explanation is that Te Runanga O Raukawa Inc is the recognised iwi authority for "Ōtaki/Te Horo".

Consultation with the resident Ngati Raukawa hapū in Ōtaki, Nga Hapū o Ōtaki, commenced in early 2010 and continues throughout the development phases of the Project. This engagement and consultation provided the NZTA with an understanding of the cultural values of the site and the wider locality. Thus, tangata whenua have been a key stakeholder since the commencement of Project investigations and have influenced the shaping of the final Project and mitigation measures. The NZTA considers that the process and outcomes of the Project demonstrate recognition of principles of the Treaty of Waitangi (the partnership between tangata whenua and the NZTA as a Crown agency).

Tangata whenua through the process of early engagement and consultation were provided with opportunities to influence the design of the Project at a number of key stages. From the NZTA perspective, this process of engagement and consultation informed the design

team, including the various specialists, about the issues that were of primary interest to tangata whenua.

An outcome of the consultative processes engaged by NZTA is the preparation of the CIA (Technical Report 19, Volume 3 of the AEE report), which was prepared by tangata whenua, which concludes that:

- Nga Hapū o Ōtaki /Ngati Raukawa views the Expressway as not interfering with our kaitiakitanga.

On this basis it is concluded that the Project is consistent with the KCDP objectives and policies in relation to tangata whenua.

33.6.4 Earthworks

The KCDP's objectives in relation to earthworks seek to:

- maintain the district's natural landforms by ensuring that adverse effects of earthworks on the natural, physical and cultural environment are avoided, remedied or mitigated (Objective C.7.3.1);
- avoid, remedy or mitigate the adverse effects of earthworks on outstanding landscapes (Objective C.7.3.2); and
- protect sites of significance to tangata whenua from inadvertent destruction causes by earthworks (Objective C.7.3.3).

The Project involves significant earthworks. However, the earthworks generally do not involve significant landform modification. This is because for much of its length the Expressway sits relatively flat in the landscape. An area where this is not the case is in the section immediately north of Rahui Road and where the Expressway crosses dune landforms. The adopted design approach has been to minimise the extent of the earthworks, but where they are necessary to reflect natural contours to the greatest extent practicable.

No outstanding landscapes are affected by Project earthworks (Objective 2).

In relation to Objective 3, the cultural impact assessment prepared by Nga Hapū o Ōtaki (refer Technical Report 19 of Volume 3 of the AEE report) identifies the potential for unknown sites of significance being located between Taylors Road and Rahui Road, including in the dune landform. Careful monitoring of earthworks in this location is proposed.

At paragraph 14.3 the further comment is made that:

In addition, and for the whole route, there should be a detailed protocol established with Nga Hapū o Ōtaki to manage the process of earthworks and the protocols in the event that any koiwi or taonga are unearthed during development. The transplanting of soil from one area to another is a permitted activity except where accidental discoveries have occurred.

The NZTA is entering into a MoU with Nga Hapū o Ōtaki in relation to the further development and construction of the Project. The MoU will anticipate finalisation of an ADP, which will also be covered by appropriate conditions on the designation and any related resource consents.

The intended actions are consistent with earthworks Policy 3, which is:

Protect sites of significance to Tangata Whenua from inadvertent destruction by earthworks.

The 'explanation' to Policy 3 emphasises that:

To prevent destruction of these sites inadvertently from earthworks it is important that a mechanism exists to protect these sites from further damage if discovered during earthworks.

As set out above, appropriate mechanisms will be in place.

33.6.5 Heritage

The two KCDP listed heritage buildings directly affected by the Project are the Ōtaki Railway Station (B1) and the former Te Horo Railway Station building (B54). In relation to these two buildings the specialist technical assessment records (refer Technical Report 18, Volume 3 of the AEE report):

- Ōtaki Railway Station: the Project includes a slight realignment of the NIMT, which in requires the equivalent realignment of the station to suit. As the assessment concludes: *Heritage values of the station will be retained intact if the full extent of the platform and verandah is realigned with the new alignment of the building.*
- Former Te Horo Railway Station: although the setting of the building will be affected by the Expressway as it will be located approximately 40 metres from the building, there will be no physical effects or loss of fabric. Also, the association of the building to its original site was lost when it was relocated in 1971. While the building is considered to have moderate to high architectural and historical values, the effects of the Expressway on those values are assessed to be less than minor.

As discussed in section 33.4 above in relation to regional (PRPS) policy on protecting 'historic heritage', although not listed as a heritage items in the KCDP, a number of other buildings and structures with historic heritage value are affected to a greater or lesser extent by the Project.

However, with the implementation of the recommendations of the specialist heritage advisor, the heritage outcome is positive given that the various buildings and structures to be 'protected', including Clifden at Bridge Lodge and the beehive pottery kilns at the former Mirek Smišek pottery at Te Horo.

The Project is therefore consistent with Objective 1.0 General:

To identify and protect heritage features of significance to the Kāpiti Coast District

And also with Objective 2.0 Adjacent Land:

To recognise the relationship a heritage resource may have with the land surrounding the resource.

33.6.6 Landscape

The Landscape objective is:

Objective C.10.1 - That the District's outstanding landscapes are identified and protected from adverse environmental effects of subdivision, use and development.

The four related policies include:

Policy 1 - Ensure new buildings, structures, services and earthworks within outstanding landscapes are located so that they will not be visually dominant (e.g. below the dominant ridgeline where practicable).

Policy 3 - Ensure no dune or landform modification takes place within outstanding landscapes of the open space, rural and residential zones, except to the minimum necessary for roading, access, provision of services, building site and farming purposes.

Policy 4 - Ensure the following landscapes are protected from inappropriate subdivision, use and development through controls on subdivision and land uses.

The one 'outstanding landscape' potentially affected by the Project is the landscape of the Ōtaki River (Policy 4). However, the identification applies to the upper reaches of the river (refer Planning Map 22) and not the section that the Expressway bridges cross. However, and notwithstanding that the section of the Ōtaki River at the point of the bridge crossing is not within the outstanding landscape area, the design approach has been to locate and design the structures so that they sit as low as practicable in the landscape thus reducing their visual impact.

The specialist technical assessment (Technical Report 8, Volume 3 of the AEE report) notes that the section of the Ōtaki River landscape that the Expressway will cross is already affected by the existing SH1 and NIMT railway bridges and the modification associated with the gravel extraction plant (Winstone's Aggregates). Whilst acknowledging the potential for cumulative effects associated with the placement of two further parallel bridges in close proximity to the existing bridges, the assessment concludes that the effect of the new bridges is 'low'.

33.6.7 Ecology

The ecology (natural environment) objective seeks to protect and enhance the 'ecological integrity' of the district (Objective C.11.1.1).

Of the 13 related policies the following are considered particularly relevant to an assessment of the Project:

- C.11.1.1 Identify and protect significant sites of flora and fauna.*
- C11.1.2 Ensure that potential or adverse effects on the natural environment from subdivision, use and development are avoided, remedied or mitigated.*
- C11.1.4 Ensure significant native vegetation is not removed and any disturbance is avoided, remedied or mitigated.*
- C11.1.5 Ensure that the effects of subdivision, land use and development activities do not alter the water table of significant wetlands and lakes to a significant extent.*
- C11.1.8 Encourage planting of locally sourced indigenous species adjacent to water bodies and other areas that will restore linkages and ecological corridors.*
- C11.1.10 Advocate for the protection of areas identified as suitable for providing linking corridors for fauna.*

The Project is in close proximity to three identified ecological sites:

- K037 Cottle's Bush;
- K038 Hautere Bush F; and
- K134 Ōtaki Railway Wetland

The specialist assessment that has been undertaken (Technical Report 11 "Terrestrial Ecology", Volume 3 of the AEE report) has assessed the degree of impact on these sites, which are each ranked as having "district significance".

The following points are noted:

- K037 Cottle's Bush: a few mature trees are lost from the extreme western edge of the bush remnant. The degree of effect is assessed as 'minor' due to the relatively low value of the trees.
- K038 Hautere Bush F: between 40 and 60 mature native trees are lost from the western edge of the bush remnant. The degree of effect is assessed as being 'more than minor' due to the number of trees lost.
- K134 Ōtaki Railway Wetland: most of the wetland is lost. The degree of effect is assessed as 'more than minor' due to the scale of loss. The reason for the loss not

being assessed as 'significant' is due to the relatively poor condition of much of the wetland.

The recommended mitigation measures include:

- Creating areas of new wetland within the designation to compensate for the loss of most of the Ōtaki Railway Wetland (K134). One will be created nearby to the west of County Road (c.0.4ha), and a new area of wetland adjacent to the Mary Crest bush (c.0.7ha). The cumulative area of these three wetlands is c.1.1 ha. The new areas to be created exceeds the area that will be lost. The technical assessment concludes that, given the modified nature of the wetland lost, it is expected that the new wetlands will rapidly achieve values at least comparable to that lost.
- In relation to the bush remnant areas, it is recommended that where mature native trees are removed from the existing edges of areas of remnant bush wind breaks should be planted along the edge to provide protection. The specialist assessment recommends that these should be dense plantings of fast growing wind tolerant species (e.g. ngaio, kanuka, wineberry, *Pittosporum tenuifolium* and *Coprosma repens*). The trees should be sourced from the coastal zone to ensure that they are genetically adapted to wind tolerance. Ideally the wind break should be at least 10m wide and so where there is limited room within the designation to plant on the flat, the Expressway embankments should be planted. Additionally to mitigate the relatively small 0.5 ha loss of native bush, the specialist assessment notes that there are a number of existing bush areas in the vicinity of the Expressway that are presently under threat from grazing and/or plant and animal pests. By fencing and covenanting such areas to ensure their long-term protection the long-term viability of such areas could be significantly enhanced. Alternatively, new areas of bush totalling at least 1.5 ha could be planted.

In addition to the effects on the identified sites (K037, K038 and K134), a number of other areas of significant bush and/or wetland have been 'protected' through redesign of the Expressway route to 'avoid' these areas. In particular an area of significant forest and wetland at Mary Crest has been avoided through route realignment. This is a positive outcome supported by tangata whenua.

Overall, although there is some loss of indigenous bush and wetland, given the proposed mitigation measures the overall residual effect, post-mitigation, is consistent with the KCDP's objectives and policies relating to ecology.

33.6.8 Noise

In relation to noise, Objective C.14.1 and the related policies (C.14.1.1 – C14.1.3) require that consideration is given to the effect of noise from non-residential activities on the amenity, character and health of residents in residential and rural environments, and that any adverse effects are avoided, remedied or mitigated.

Objective C14.2 is specific in relation to traffic noise. The objective is:

Ensure that the adverse effects of road traffic noise on the amenity values of the residential environment are avoided, remedied or mitigated.

Related policies C14.2.2 and C14.2.4 are specific to new roads:

Policy C14.2.2 Ensure that new roads, in locations which may result in excessive traffic noise at existing or predicted residential sites, shall be designed to avoid, remedy or mitigate adverse effects of traffic noise in the residential areas without restricting the movement of traffic.

Policy C14.2.4 Ensure that the adverse effects of road traffic noise generated from new roads, on the inhabitants of existing residential accommodation, are avoided, remedied or mitigated.

As the Project has the potential to cause adverse road-traffic noise and rail noise and vibration effects, a full assessment of these potential effects has been undertaken (refer Technical Report 14, Volume 3 of the AEE report).

For road traffic, this assessment includes both the Expressway and the new local arterial road and other local roads which are either being built or altered to accommodate the Expressway. For rail traffic the assessment is for the section of the NIMT being realigned through Ōtaki to make room for the Expressway.

For road-traffic noise, the assessment method from NZS 6806:2010 was used. For rail and noise vibration, criteria based on KiwiRail's reverse sensitivity guidelines were used⁵⁹.

The Expressway route closely follows the existing SH1 and NIMT through both rural and urban areas. A number of PPFs affected by the Project are already subject to high levels of road-traffic and rail noise from the existing SH1 and NIMT.

In many instances there will be a reduction in sound levels due to the Project. In some other instances there will be a slight increase in road-traffic noise levels. With the mitigation proposed, the road-traffic noise will be at reasonable levels defined by NZS 6806, and rail noise will be within reasonable levels determined from KiwiRail's reverse sensitivity guidelines.

There will be a significant improvement in the acoustical amenity of the Ōtaki Railway Retail area with the reduction in through traffic, and in particular HCVs. There will also be a significant reduction in noise for those properties directly accessing the existing SH1 at Te Horo.

Mitigation has been recommended in some locations to reduce potential effects. OGPA (or similar) will be used as an appropriate form of noise mitigation for the road surface through Ōtaki. Building treatment has been identified as being appropriate at one PPF near Te Horo to protect the premises from road-traffic noise, and two PPFs in Ōtaki to protect them from rail noise. For the remainder of the Project no specific noise mitigation is proposed.

One particular positive effect, given the removal of the level crossings at Rahui Road and Te Horo, will be the 'removal' of warning bells and the need for trains to sound their horn as they approach the crossings.

Based on the above conclusions reached by the technical assessment, it is concluded that the Project is consistent with the KCDP's objectives and policies relating to noise.

33.6.9 Natural Hazards

The KCDP records that the Kāpiti district is susceptible to natural hazards which include earthquake and geological hazards, coastal hazards and flood hazards.

As the Project is set back from the coast by a considerable distance it is not expected that there will be any effect from coastal hazards, including tsunamis.

In respect to earthquake and geological hazards these are addressed in Technical Report 4, Volume 3 of the AEE report and are summarised in section 33.4.1 above when addressing PRPS objectives and policies on natural hazards. The overall conclusion is that the Expressway will have a good level of resilience to major earthquakes that are possible in the region.

⁵⁹ Refer Technical Report 14, Volume 3 of the AEE report.

Potential flood hazards have been addressed in detail in Technical Report 9, Volume 3 of the AEE report, and is also addressed in chapter 17, Volume 2 of the AEE report.

The Expressway crosses four significant waterways within the Ōtaki Coastal Plain: the Waitohu and Mangapouri Streams, the Ōtaki River and the Mangaone Stream.

The design approach of the Project is based around achieving hydraulic neutrality (i.e. no exacerbation of the existing situation), taking into account both the barrier posed by the Expressway to overland flow paths across floodplains and the loss of floodplain storage under the footprint of the Expressway. For these waterways the increased run-off from the Expressway is negligible in comparison to the volume of flood flows.

As Technical Report 9 records, detailed hydrological and hydraulic modelling has been undertaken to inform the design and environmental assessment process. As a result of this closely integrated process, the majority of potential adverse effects have been avoided through refinement of the Expressway design. In summary, with the proposed design and mitigation, it is concluded that:

- The effects of the Expressway crossing of the Waitohu Stream and floodplain are no more than minor.
- The effects of the proposed crossing of the Mangapouri Stream including the Rahui Road local link connection are no more than minor.
- The effects of the proposed crossing of the Ōtaki River will be no more than minor. The effects on the Ōtaki River floodplain will be greater in areas to the east of the Expressway that are used for pasture; but effects on populated areas to the west of the Expressway will be little or no worse than the existing situation.
- The effects of the Expressway crossing of the Mangaone Stream and floodplain will be no more than minor. Proposed modifications in School Road, in partnership with KCDC, will reduce an existing flood nuisance to a number of residential properties.

Objective C15.1.1 and related policies C15.1.1.1, C15.1.1.2 and C15.1.1.6 are relevant. The focus is on avoiding, remedying and mitigation actual and potential adverse effects arising from development within the vicinity of a natural hazard. Given the conclusions reached in the technical assessments, as summarised above, it is concluded that the Project is consistent with the KCDC's objectives and policies for natural hazards.

33.6.10 Transport

Transport Objective C18.1.1 is particularly relevant to the Project as it seeks to:

... achieve a transport infrastructure that provides for efficient and safe movement of people and goods throughout the District and which avoids, remedies or mitigates adverse effects of existing and new transport routes.

Related policies which are also particularly relevant are:

Policy C1.18.1.2 Designate new routes which are an essential part of the future Kāpiti Coast roading network, as determined by roading authorities.

Policy C1.18.1.11 Ensure the adverse effects of earthworks associated with new roads are avoided, remedied or mitigated (refer C.7.3 Earthworks).

Policy C1.18.1.12 Protect the existing state highway and/or proposed routes from the adverse effects created by adjoining land use activities including the subdivision of land, to ensure the safe and efficient movement of goods and people through the District.

The anticipated environmental outcomes that are expected from the effective implementation of the transport objectives and policies are:

- The efficient and safe movement of people and goods throughout the Kāpiti district;

- The prevention or mitigation of adverse effects associated with transport activities; and
- The prevention or mitigation of adverse effects on transport routes and networks including State highways that may be generated by other land use activities.

The Project is entirely consistent with Objective C18.1.1 and Policy C1.18.1.1.1. As is detailed in the specialist transportation assessment (Technical Report 6, Volume 3 of the AEE report) the Project will make a significant contribution to the more efficient movement of people and goods throughout the Kāpiti district and region, reduce travel times and provide a safer more reliable through route. At the same time, the Project will significantly reduce traffic flows on the existing SH1 and make it more available for local trips.

A significant outcome from the Project is the improved cross-connections across the national transport corridor (Expressway and NIMT).

The Expressway will provide a second transportation route through the district, built to a significantly higher standard, which will be more resilient to natural hazards and provide a choice of routes.

In relation to the prevention or mitigation of adverse effects associated with the construction and operation of the Expressway, these have been considered in other parts of the assessment (when addressing the PRPS and other sections of the KCDP). The conclusion(s) are that when regard is had to the proposed design approach and mitigation measures the adverse effects in relation to earthworks, landscape and visual, noise, ecological values, and economic and social values, the Project is consistent with the KCDP provisions and the anticipated environmental outcomes.

In relation to 'social wellbeing' (refer Technical Report 20, "Social Effects", Volume 3 of the AEE report) key positive effects will be improvements in road safety and connectivity through improved travel times, reduced congestion, improved pedestrian and cyclist safety through grade-separated crossings, and the removal of level crossings, including existing crossings across the NIMT at Ōtaki (Rahui Road) and Te Horo, and through an improvement in the pedestrian and shopping amenity of the Ōtaki Railway Retail area.

In relation to 'economic wellbeing' (refer Technical Report 21, "Economic Effects", Volume 3 of the AEE report) although there will be some adverse effects on a small number of Te Horo businesses as a result of a lack of connection to/from the Expressway at Te Horo, overall the Project is expected to have neutral or positive effects for the majority of businesses. Through the layout of the interchanges at north and south Ōtaki, direct and efficient motor-vehicle access is provided to the Ōtaki Railway Retail area.

33.7 Proposed Kāpiti Coast District Plan 2012

The KCDC publicly notified the Proposed KCDP 2012 on 29 November 2012. Submissions closed on Friday 1 March 2013.

The public notice confirms that:

The only new or amended rules that will have immediate legal effect are those relating to the protection of historic heritage and areas of significant indigenous biodiversity, and these rules are specifically identified in the Proposed District Plan. The others will only come into force once submissions have been evaluated, hearings and appeals held, and necessary changes made to provisions.

In relation to historic heritage no new items that may be affected by the Project have been added to Schedule 10.1 Historic Heritage. However, two areas of significant indigenous vegetation and significant habitats of indigenous flora have been added to Schedule 3.1 Ecological Sites. The areas are identified on Map 18D as "K234" and "K235". In Schedule 3.1 the sites are described as "Te Hapua Road Forest" and "Mary Crest" respectively. [Note: In Schedule 3.1 both sites are listed as "K234". It is assumed that the Schedule is in error as the Mary Crest site is noted as "K235" on Map 18D]

Other relevant proposed changes include:

- changing the zoning of Pare-o-Matangi reserve from Residential and Rural to Open Space (Local Parks);
- identifying the section of the Ōtaki River at the point of the proposed new Expressway bridge as a "significant amenity landscape";
- delineating on the Plan Maps the extent of the "coastal environment"; and
- the creation of a Future Urban Development Zone to the north of Ōtaki.

In chapter 11 (section 11.6 "Access and Transport"), under the heading "Changes to the State Highway Network", the following statement is made:

Peka Peka to Ōtaki (PP20)

NZTA propose a bypass of Ōtaki, consisting of a four-lane expressway. This will reduce the congestion commonly experienced when travelling on SH1 through Ōtaki.

33.7.1 Proposed KCDP Objectives

Chapter 2 of the Proposed KCDP lists twenty objectives for resource management issues of the Kāpiti district. Those that are considered to be potentially relevant to an assessment of the Project are:

Objective 2.1 - Tāngata whenua

To work in partnership with the tāngata whenua of the District in order to maintain kaitiakitanga of the District's resources and ensure that decisions affecting the natural environment in the District are made in accordance with the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

The NZTA has engaged in close and on-going consultation with tāngata whenua (Nga Hapū o Ōtaki) throughout the route selection and design process. Nga Hapū o Ōtaki are the authors of the cultural impact assessment (refer Technical Report 19, Volume 3 of the AEE). An MoU has been entered into between the NZTA and Nga Hapū o Ōtaki to ensure on-going consultation and engagement through the continuing development design processes and construction.

The assessment provided under section 33.6.3 above in relation to the operative KCDP objectives and policies relating to tāngata whenua, continues to be valid.

Objective 2.2 - Ecology and biodiversity

To improve indigenous biodiversity and ecological resilience through the:

(a) protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna;

(b) restoration of the ecological integrity of important degraded environments and habitats;

(c) enhancement of the health of terrestrial and aquatic ecosystems; and

(d) enhancement of the mauri of waterbodies.

A new policy direction of the proposed KCDP is the concept of 'environmental off-setting'. Policy 3.5 states:

Where subdivision, land use or development is deemed or considered to have adverse effects (including cumulative effects) on land containing sensitive natural features or locally indigenous vegetation, lookout points, dominant ridgelines and dominant sand dunes, which cannot be avoided without preventing reasonable use of the land, environmental offsetting will be considered as part of the remediation or mitigation where all the following principles can be demonstrated to have been achieved:

- (a) it should only be considered where remediation or mitigation on-site is not possible;*
- (b) it should be as close as possible to the site (because benefit diminishes with distance) so that it is in the same area, landscape or environment as the proposed activity;*
- (c) there should be a substantial, significant, demonstrable and measurable net environmental benefit as opposed to a mere mitigation of effects;*
- (d) it must be effective – usually there should be conditions (a condition precedent of a bond) to ensure that it is completed or supplied;*
- (e) there should be public consultation or at least an opportunity for public participation in the process by which the environmental compensation or offsetting is set; and*
- (f) the methodology for setting the degree of biodiversity off-set shall be recognised and transparent, and shall include best practice monitoring and adaptive management procedures and processes.*

In explanation of Policy 3.5 it is noted that:

In achieving the sustainable management objectives of the Act, resource managers and decision makers have the option of applying avoidance, remediation and mitigation in managing adverse effects. Remedying or mitigating can include the concept of off-setting

"Off-setting" for the purposes of this Plan means the provision of a positive effect in one location to off-set adverse effects of the same or similar type caused by the activity proposed at another location with the result that the overall adverse effects on the values of the ecosystem are remedied or mitigated.

Where off-setting is to be applied, there should be a clear connection between the adverse effect, the inability to avoid the effect, and the off-setting measure. The off-setting measure should preferably be applied as close as possible to the site incurring the effects.

Off-setting should, as far as can be achieved, maintain and enhance the particular natural values affected by the project when assessed overall. To ensure an off-setting measure is effective, the methodology used to assess the measure should be transparent in that it is assessed as a recognised methodology.

Two new ecological sites are located in close proximity to the Project route: K234 Te Hapua Road Forest and K235 Mary Crest.

As a consequence of concerns raised by tangata whenua, and also in response to the Project ecologist confirming the significance of the Mary Crest indigenous bush remnant and associated wetland, the decision was taken by the NZTA to adjust the route to avoid the Mary Crest site.

The Project will affect proposed new ecological site K234 (Te Hapua Road Forest). Bush remnants along the Te Horo 'straight'.

Mitigation measures, including significant riparian plantings and environmental-off setting, are identified in Technical Report 11, Volume 3. For example, in relation to the Ōtaki Railway Wetland the loss will be off-set by the creation of new areas of wetland within the designation. The loss of bush habitat along the Te Horo straight will be off-set either by planting new areas of bush or protecting existing bush that is already threatened by on-going degradation.

Although not an identified ecological site, the loss of much of the Pare-o-Matangi reserve will be off-set by the establishment of a 'new' area of open space/reserve on immediately adjacent land.

These proposed 'mitigation' measures are considered to be generally consistent with proposed Policy 3.5.

Objective 2.3 - Development management

To maintain a consolidated urban form within existing urban areas and a limited number of identified growth areas which can be efficiently serviced and integrated with existing townships, delivering:

(a) urban areas which maximise the efficient end use of energy and integration with necessary infrastructure;

(b) a variety of living and working environments in a manner which reinforces the function and vitality of centres;

(c) resilient communities where development does not result in an increase in risk to life or severity of damage to property from natural hazard events;

(d) higher residential densities in appropriate areas, and avoidance of such development where it would adversely affect areas of special character or amenity;

(e) sustainable settlements that are developed in a manner which preserves: natural processes including freshwater systems; areas characterised by productive soils, ecological and landscape importance; and other places of significant natural amenity; and

(f) an adequate supply of housing and areas for business/employment to meet the needs of the District's anticipated population which is provided at a rate and in a manner that can be sustained within the finite carrying capacity of the District.

An issue raised during public consultation was the lack of off/on ramps to the Expressway at Te Horo. These have not been included because of the relatively close proximity of interchanges north and south of Te Horo. Another consideration supporting the decision to not provide direct connections to the Expressway at Te Horo was the concern that this would have encouraged a growth 'node' to develop. A growth node at Te Horo would be inconsistent with the Rural zoning of the area under both the Operative and Proposed District Plans and with the KCDC's strategy (the GOV) for a consolidated urban form, and with Ōtaki being the identified growth node in the northern part of the district.

The draft Te Horo Local Outcomes document (submissions closed on 15 November 2012), part of the "Kāpiti Coast Choosing Futures – Community Plan", identifies as local outcomes the following:

Development

- *The rural and low density character of the area is retained with small settlements surrounded by productive rural land.*
- *Rural lifestyle development is undertaken in a way that protects and maintains natural systems and landforms.*
- *The cumulative impact of new development does not change the character of very low density built environment.*

Population Growth

- *The cumulative impact of new development and additional population does not change the unique character of Te Horo.*

The design of the Project with direct connections at Ōtaki and not at Te Horo maintains consolidated urban form and is consistent with the district's development management strategies and therefore consistent with Objective 2.3

Consideration of the Future Urban Development Zone to the north of Ōtaki is identified in the Proposed KCDP has being subject to a future Structure Plan. This will therefore require consideration of the environment that exists at the time that the Structure Plan is developed. That existing environment will likely include the developments proposed in this AEE Report. Therefore at that time, consideration of reverse sensitivity effects from infrastructure approved through designation, whether constructed or not, will be required to be had. No specific consideration has been given at this time to the effects of reverse sensitivity given no detail is available as to the density or nature of specific developments within this Zone, particularly as there are no permitted activities identified within this Zone. The Project will not hinder the development in this area, and to some extent will support it through the removal of through traffic from local roads and the current SH1.

The conclusion is that the Project is consistent with proposed Objective 2.3.

Objective 2.4 – Coastal environment

To have a coastal environment where:

- (a) natural character, natural systems, natural landforms and natural processes, are protected, and restored where degraded;*
- (b) appropriate public access to and along the coast is improved;*
- (c) development does not result in further loss of coastal dunes;*
- (d) communities are not exposed to increased risks from coastal hazards.*

The extent of the coastal environment is now mapped in the proposed KCDP. Although the Project is generally to the east of the coastal environment, in the vicinity of Mary Crest the coastal environment extends inland of the Project route to incorporate the "Te Horo abandoned sea cliff", an identified "significant geological site". However, the Project lies to the west of the sea cliff with the NIMT lying between the Expressway route and the sea cliff. Thus, there is no effect on this coastal environment geological site.

Further comment was made in relation to the coastal environment when assessing the RPS (refer section 33.4 above). Those previous comments remain valid in relation to proposed Objective 2.4, and the conclusion is that the Project is consistent with this proposed objective.

Objective 2.5 – Natural hazards

To ensure the safety and resilience of people and communities by avoiding exposure to increased levels of risk from natural hazards, while recognising the importance of natural processes and systems.

For the reasons stated in the assessment of the operative KCDP's natural hazard objective and related policies (refer section 3.6.9), the conclusion is that the Project is consistent with proposed Objective 2.5. The Project will provide significantly increased resilience to natural hazards.

Objective 2.7 – Historic heritage

To protect historic heritage in the District for the social, cultural and economic wellbeing of the Kāpiti Coast community and future generations, this includes:

- (a) supporting the contribution of historic heritage values, features and areas to the identity, character and amenity of places and landscapes;*
- (b) recognising and protecting tāngata whenua historic heritage, including places, knowledge, histories and ngā taonga tuku iho.*

As no additional historic heritage sites that might be potentially affected by the Project have been added by the proposed KCDP, the assessments provided in relation to the RPS and the operative KCDP (refer sections 33.4 and 33.6.5 above respectively) remain valid. The conclusion is that the Project is consistent with proposed Objective 2.7.

Objective 2.9 – Landscapes

To protect the District's natural landforms and valued landscapes, including:

- (a) identified outstanding natural features and landscapes, significant amenity landscapes and areas of high natural character;*
- (b) stream and river corridors, including stream and river mouths, head waters and estuaries;*
- (c) remaining coastal dunes, wetlands and native vegetation;*
- (d) the landscape values of coastal hills and escarpments.*

As noted above, the section of the Ōtaki River at the location of the proposed bridge crossings (just upstream of the present NIMT bridge) is identified as a proposed "significant amenity landscape".

The specialist landscape assessment undertaken assessed the affect of the Project on the landscape amenity of the Ōtaki River (refer chapter 16 above and Technical Report 8, Volume 3); and a summary is provided in the section above discussing the RPSs (section 33.4) and the operative KCDP (section 33.6). As the landscape assessment concludes:

The addition of the Expressway bridges approximately 100m upstream of the existing rail bridge will increase the degree of modification already in place in this portion of the river. However, the existing environment is characterised as a developed area, with two bridges and modified embankments. The Expressway bridges will add to the overall degree of modification, but by placing them in close proximity to the existing bridges, the modifying elements will be concentrated into one area. While this has the benefit of confining the extent of modification, it does create a cumulative effect in this area. The scale of the setting and of the braided river is sufficiently large to accept the additional bridges, without dominating the landscape.

The landscape assessment concludes that the effect of the Project on the Ōtaki River landscape will be 'low'.

In relation to clause (c) of Policy 2.9, the Project will traverse an area of dune landform to the north of Ōtaki in the vicinity of the Ōtaki Railway Wetland (ecological site K134). This area of dune landform is not within an area identified on the Plan Map 03D as a 'dominant ridgeline of dominant dunes'. It is, however, within an area identified as a 'priority area for restoration'.

There will be an effect on the dune landform. Those effects have been mitigated to the greatest extent practicable through minimising the necessary earthworks and 're-creating' natural contours along the edges of the cuts.

The conclusion is that the Project is consistent with proposed Objective 2.9.

Objective 2.14 – Access and transport

To ensure that the transport system in the Kāpiti Coast District:

- (a) integrates with urban form and maximises accessibility;*
- (b) improves the efficiency of travel and maximises mode choice to enable people to act sustainably as well as improving the resilience and health of communities;*
- (c) contributes to a strong economy;*
- (d) minimises adverse effects of land uses and vice versa; and*
- (e) is safe, for purpose, cost effective and provides good connectivity for all communities.*

The consistency of the Project with the transport objectives and policies of the operative KCDP was discussed in section 33.6.10 above. The points made are 'repeated' to support the conclusion that the Project is consistent with proposed Objective 2.14.

Objective 2.16 – Economic vitality

To promote sustainable and on-going economic development of the local economy with improved number and quality of jobs and investment through:

(a) encouraging business activities in appropriate locations within the District, principally through differentiating and managing various types of business activities both on the basis of the activity, and the potential local and strategic effects of their operation;

(b) reinforcing a compact, well designed and sustainable regional form supported by an integrated transport network;

(c) enabling opportunities to make the economy more resilient and diverse;

(d) providing opportunities for the growth of a low carbon economy, including clean technology;

(e) protecting business activities from reverse sensitivity effects and enhance the amenity of business activities; and

(f) enhancing the amenity of business areas;

whilst:

(a) ensuring that economic growth and development is able to be efficiently serviced by infrastructure

(b) encouraging commercial consolidation and co-location of community services and facilities primarily within the Paraparaumu Sub Regional Centre and Town Centres;

(c) managing contamination, pollution, odour, hazardous substances, noise and glare, and requiring enhanced levels of amenity values as associated with business activities.

The Project is referred to in the proposed KCDP as a 'bypass' of Ōtaki which will reduce the congestion commonly experienced when travelling on SH1 through Ōtaki.

An issue for assessment by the NZTA Project Team is the potential for adverse effects, including economic/business vitality effects, on the Ōtaki Railway Retail area.

The specialist assessment (refer Technical Report 21, Volume 3 of the AEE) has concluded that through the layout of the interchanges at north and south Ōtaki, along with appropriate signage at both 'gateways', direct and efficient motor-vehicle access is provided. This in turn will minimise the potential loss of trade from passing traffic as the Ōtaki Railway Retail area increasingly strengthens its role as a 'destination' centre. With the removal of significant amounts of heavy traffic, the streetscape and pedestrian environment and consequent amenity/ambience of the Ōtaki Railway Retail area will be significantly enhanced.

The conclusion is that the Project is consistent with proposed Objective 2.16.

Objective 2.18 – Open spaces / active communities

To have a rich and diverse network of open spaces that:

(a) is developed, used and maintained in a manner that does not give rise to significant adverse effects on the natural and physical environment;

(b) protects the District's cultural, ecological and amenity values, while allowing for the enhancement of the quality of open space areas;

(c) supports the identity, health, cohesion and resilience of the District's communities; and

(d) ensures that the present and future recreational and open space needs of the District are met.

As noted, the proposal is to zone the Pare-o-Matangi reserve 'Open Space - Local Park'. Presently the zoning is a combination of Rural and Residential.

The Project will have a significant effect on the existing reserve. The intention however is to mitigate this significant direct effect through the development of immediately adjacent land as open space/reserve. The proposed mitigation is discussed in detail in the landscape assessment (refer chapter 16 above and Technical Report 8, Volume 3).

Ultimately, it would be appropriate for any 'new' Pare-o-Matangi reserve to be zoned Open Space - Local Park, which would be consistent with the history of the reserve's development by the local community and its intended long-term function.

The conclusion is that the Project, with the proposed mitigation for Pare-o-Matangi reserve is consistent with proposed Objective 2.18.

33.7.2 Conclusion

In general terms, the majority of the objectives and policies of the proposed KCDP (2012) are similar to those of the operative KCDP. There are however some new objectives and policies, including those relating to centres, urban design and economic vitality. The Project is assessed as being broadly consistent with those objectives and policies.

Another new policy direction that is relevant to an assessment of the Project is the use of environmental off-setting as part of remediation or mitigation. In relation to the effects of the Project on ecological sites, including the Ōtaki Railway Wetland (ecological site K134), environmental off-setting is used to positive effect.

Overall, it is concluded that the Project remains broadly consistent with the KCDP objectives and policies - both the operative and proposed versions.

33.8 Other Relevant Documents and Matters

Other relevant documents in terms of section 104(1)(c) and section 161(1)(d) include both statutory documents (for example those required to be prepared under other legislation such as the Land Transport Management Act 2003 or Conservation Act 1987) and those non-statutory documents that, whilst not having a regulatory function under the RMA, have been through a public process and/or are important policy documents that set national regional direction on key resource or environmental matters.

33.8.1 Resource Management (Measurement and Reporting of Water Takes) Regulations 2010 (MRWT)

The Resource Management (Measurement and Reporting of Water Takes) Regulations 2010 apply to all water takes where the abstraction is at a rate of more than 5 litres per second. However, non-consumptive takes are not subject to these regulations. The Project construction will involve only non-consumptive takes, therefore these regulations are not relevant.

33.8.2 The Freshwater Fisheries Regulations 1983

The FFR under Section 48A of the Conservation Act 1987, require that fish passage be provided for freshwater and sports fish. The regulations give the Director-General of Conservation a decision-making role in relation to fish passage when facilities such as new or modified culverts, dams, weirs and diversions on natural waterways are proposed. The Department of Conservation uses the RMA processes to comment on the effects of

instream structures and activities. Where it is satisfied that appropriate conditions relating to fish passage have been proposed, any additional permission under the FFE is at its discretion.

The provision where appropriate for fish passage within culvert design will be determined at the detailed design stage.

33.8.3 National Land Transport Programme (2012-2015)

The 2012-2015 NLTP includes funding for projects intended to address economic growth and productivity, value for money, and road safety. Continued funding for the Wellington Northern Corridor RoNS reflects the importance of this programme of work at a national level. As part of the Wellington Northern Corridor RoNS, the Project delivers improvements to this corridor in order to reduce congestion, provide alternative routes out of Wellington City and deliver greater efficiencies for long distance freight traffic.

33.8.4 New Zealand Transport Strategy (2008)

The NZTS seeks to provide direction for the transport sector through to 2040. The strategy relates to all parts of the transport sector, and includes the following relevant items:

- environmental sustainability including: reducing vehicle emissions, renewable fuels, fuel efficient technology and electric vehicles, increasing the area of Crown transport land covered with indigenous vegetation;
- assisting economic development through improving journey times and journey time reliability;
- assisting safety and personal security through reducing deaths and serious injuries;
- improving access and mobility through increasing public transport, walking and cycling; and
- protecting and promoting public health through reducing people exposed to transport noise and reducing people exposed to dangerous concentrations of air pollution.

The Project will be generally consistent with all the above aims for the following reasons:

- it involves extensive landscaping/vegetation measures involving locally sourced native vegetation;
- it will significantly improve journey times and improve journey reliability;
- there will be a reduction of road crashes and a significant improvement in overall traffic safety both through a modern designed new route and a reduction of traffic on local roads (e.g. existing SH1)
- properties likely to be exposed to higher levels of noise than allowed under the relevant standard will be protected by noise mitigation measures; and
- in relation to air quality a slight reduction in concentration in urban areas is expected.

33.8.5 National State Highway Strategy (2007)

The NSHS sets out how the NZTA will develop and manage the State highway network as an integral part of a multimodal transport system over the next 30 years. It provides a link between the NZTS, the LTMA (and other legislation) and NZTA's plans and policies. The goals of the strategy are to:

- ensure State highway corridors make the optimum contribution to an integrated multimodal land transport system;
- provide safe State highway corridors for all users and affected communities;
- ensure State highways enable improved and more reliable access and mobility for people and freight;

- improve the contribution of State highways to economic development; and
- Improve the contribution of State highways to the environmental and social wellbeing of New Zealand, including energy efficiency and public health.

The Project is consistent with these goals for the same reasons outlined in section 33.8.4.

33.8.6 Government Policy Statement on Land Transport Funding (2009/10 – 2018/19)

A GPS is developed and issued under the LTMA.

The current GPS builds on the projects in the 2009/10 GPS to support economic growth through infrastructure development, particularly the RoNS projects. The GPS 2012 covers the financial period 2012/13 to 2017/18 and provides indicative figures from 2018/19 to 2021/22. It will be in effect from 1 July 2012 to 30 June 2015.

The NZTA must ensure that the NLTP gives effect to the GPS and must take into account the GPS when deciding whether or not to approve activities for funding from the national land transport fund. Regional transport committees preparing a RLTS must take into account the GPS and RLTPs must be consistent with the GPS.

The GPS identifies and recognises the RoNS as New Zealand's most essential routes, and that they require development in order to reduce congestion, improve safety and support economic growth. The purpose of listing roads as nationally significant in the GPS is to ensure that they are taken fully into account when the NZTA develops the NLTP.

The Project is one of eight that comprise the Wellington Northern Corridor RoNS linking Levin with Wellington Airport.

33.8.7 State Highway Asset Management Plan 2012-2015

The SHAMP recognises the importance of the State highway network throughout New Zealand and highlights how the NZTA intends to maintain, renew, operate and improve the network. The SHAMP outlines a range of services, goals and factors that together contribute to the programme for the maintenance and development of the State highway network.

As stated in the previous section, the Project forms part of the national RoNS programme. The SHAMP has been applied throughout the investigation and design stages to date. In alignment with the SHAMP the Project seeks to meet and allow for future demand based on projected traffic forecasts in line with population and economic changes throughout the Region and the country.

For Wellington, the SHAMP identifies that the topography and limited availability of routes in and out of the Wellington City affects road users, and the RoNS projects, such as this Project, are designed to address these issues.

The Project has been developed under, and is consistent with, the goals of the SHAMP.

33.8.8 The 2012/13 State Highway Plan

The SHP has been developed in alignment with the SHAMP.

The Project is outlined in the SHP, with goals of lodging the Expressway Notice of Requirement during the 2012/13 period. The Project has been developed under and is consistent with the goals of the SHP.

33.8.9 NZTA Environmental Plan (2008)

The NZTA Environmental Plan outlines NZTA's environmental policies and provides guidance on a wide range of environmental issues.

The Project is consistent with these policies. In particular, these policies have influenced and shaped the proposed route alignment and project design, and have also informed relevant technical assessments including the terrestrial ecology assessment (Technical Report 11), the aquatic ecology assessment (Technical Report 12), the landscape and visual assessments (Technical Report 8), air quality assessment (Technical Report 13), the assessment of heritage effects (Technical Report 18) and the assessment of construction and operation noise and vibration (Technical Reports 5 and 15).

33.8.10 Getting There - On Foot, By Cycle - Strategic Implementation Plan 2006-2009

The New Zealand Cycling and Walking Strategy sets out a strategy to advance walking and cycling in New Zealand transport.

The Project does not impact on existing river-side walking and cycling routes through the Project area. Positive outcomes for cyclists are grade-separated crossings (e.g. at Ōtaki and Te Horo).

Also, the Project will create the opportunity for future cycleways following the revocation of the existing SH1.

33.8.11 New Zealand Urban Design Protocol (2005)

The New Zealand Urban Design Protocol provides a platform to make New Zealand towns and cities more successful through quality urban design.

Consistent with the intent of the Protocol a ULDF has been developed for the Project. The ULDF (refer Technical Report 23) has helped to inform the nature and extent of investigations into the urban and landscape design matters relating to the Project, and also sets out the underlying design principles to guide Project development and implementation. Implementation of the ULDF will ensure the Project is consistent with the New Zealand Urban Design Protocol.

33.8.12 National Infrastructure Plan

The National Infrastructure Plan outlines the Government's 20-year vision for New Zealand's infrastructure to 2030, and provides a three-year programme of work to progress this vision.

The vision for transport is outlined as "a transport sector that supports economic growth by achieving efficient and safe movement of freight and people".

The relevant goals for transport are as follows:

- Maximising the potential synergies between regional planning and central government strategies;
- A flexible and resilient transport system offering greater accessibility and can respond to changing patterns in demand;
- A network of priority roads to improve journey time and reliability, and ease severe congestion, boosting the growth potential of key economic areas and improving transport efficiency, road safety and access to markets; and
- A continued reduction in the number of accidents, deaths and serious injuries that occur on the network.

For the reasons set out in Technical Report 6, the Project is consistent with all of these goals.

33.8.13 Wellington Regional Strategy

The WRS was developed by the nine local authorities in the Region, working in tandem with central government and business, education, research and voluntary sector interests.

The WRS is a sustainable economic growth strategy and contains a range of initiatives to realise economic potential. It aims to enhance the Wellington Region's "regional form" by addressing such issues as transport, housing, urban design and open spaces, which are all the things that contribute to quality of life.

The WRS identifies three focus areas for sustainable growth. They are:

- Leadership and partnership – key players working together to deliver the region's sustainable growth.
- Grow the region's economy, especially its exports – export more and become less reliant on trade within New Zealand.
- Good regional form – building on the physical arrangement of our communities and how they link, and strengthening our city and town centres, matching transport decisions and land use, creating quality urban design, creating strong open spaces and recreation amenities, and providing good housing choice – essentially, making the Wellington Region a great place to live, with a good quality of life.

Relevant WRS initiatives to promote an efficient regional form include:

- Integrating transport with urban and rural needs - the WRS identifies that more employment needs to be created close to where people live. The efficient operation and use of the transport system and consideration of the development 'fit' with the transport network are fundamental to creating a good regional form;
- More homes close to city centres and transport links - one of the Region's strengths is its wide range of housing and lifestyle options. An identified need is to enable medium and higher density development close to centres and transport links, while protecting the character of the traditional low-density family-focused suburbs; and
- Rural lifestyles - the WRS identifies that the Region offers excellent opportunities for rural residential living. It recognises the benefits in making lifestyle options available in certain areas including making better use of poor productivity areas, strengthening smaller communities, unlocking economic development opportunities, and enhanced management of special environmental features. However, it also recognises that in delivering on these opportunities caution needs to be exercised regarding removing high quality soils from primary production, threatening sensitive ecosystems or significant landscapes, and land fragmentation creating urban expansion difficulties.

The strategy also identifies Ōtaki as one of a 'nodes' on the Kāpiti Coast where new growth will be focused.

The Project will be consistent with the WRS initiatives because:

- It will strengthen cross-region linkages and improve connectivity;
- It will enhance the liveability of coastal communities as the significant reduction in the existing SH1 (which will become a local road) traffic volumes and speeds (which will shift to the Expressway) will improve local amenity;
- It will improve the environment of the Ōtaki Railway Retail area through the removal of freight and long haul transportation; and
- It will not preclude future development of rail and other public transport modes.

33.8.14 Wellington Regional Land Transport Strategy (2010–2040)

The RLTS 2010-2040 is a statutory document prepared under the LTMA. It is the strategic transport document that guides the development of the Region's transport system. It sets the framework and vision for the provision and management of movement and transport throughout the Region.

The vision of the RLTS is:

To deliver an integrated land transport network that supports the region's people and prosperity in a way that is economically, environmentally and socially sustainable.

The objectives of the RLTS are to:

- Assist economic and regional development;
- Assist safety and personal security;
- Improve access, mobility and reliability;
- Protect and promote public health;
- Ensure environmental sustainability; and
- Ensure that the RLTP is affordable for the regional community.

The Project will make an important contribution to achieving these objectives, including: relief from congestion at peak times and on public holidays; improved safety; improved route security and network resilience; and support for increasing freight volumes by providing more reliable journey for 'just-in-time' goods delivery.

The Expressway forms part of the Wellington Northern Corridor RoNS, which is identified as "strategic" road project in the Western Corridor Plan.

33.8.15 Western Corridor Plan

The latest Western Corridor Plan was adopted by the GWRC in August 2012. The Plan notes that:

"This Corridor Plan has been developed to support and contribute to the Regional Land Transport Strategy (RLTS), which sets the objectives and desired outcomes for the region's transport network".

Along the Western Corridor from Ngauranga to Ōtaki, SH1 and the NIMT will provide a high level of access and reliability for passengers and freight travelling within the region in a way which recognises the important strategic regional and national role of this corridor. These primary networks will be supported effectively by local and regional connector routes.

The key objectives developed for the Plan respond to the significant issues and opportunities relating to this specific corridor, and include:

- Reduce off-peak and weekend congestion between Pukerua Bay and Paekakariki as well as from Waikanae to Ōtaki;
- Improve route security and network resilience; and
- Improve road safety throughout the Corridor.

The Expressway is identified in Action Table 1 at Page 13 of the Plan as a "strategic road project" with an indicative cost of \$342m.

33.8.16 The Wellington Regional Land Transport Programme 2012-2015

The RLTP sets out all the transport projects, what they will cost and how they will be funded. It also identifies other significant transport projects to start within the next ten years, along with a 10-year financial forecast. The RLTP provides the region's funding bid for funding transport projects from the NLTP.

The RLTP reflects both the national direction provided in the GPS – which includes a focus on economic growth and productivity, value for money and road safety – and the regional priorities and outcomes in the RLTS.

The RLTP notes that *"there are some significant projects to improve State Highway 1 as part of the Wellington [Northern Corridor] Roads of National Significance. These contribute to the Government's priorities, as well as many of our regional goals around a safer, more reliable, more resilient state highway network"*.

The Project is included in Table 3 "Land Transport Activities Proposed for the Next Three Years (2012-2015)", given a priority of "Committed", with the investigation phase having started in 2010 and the design phase due to start in 2014.

The Project is included In Table 5 "Other Significant Activities Expected to Commence within the Next 10 Years", with a total project cost of \$342.84m.

Appendix A provides indicative timing for all the significant activities included in the RLTP. The timing for the Project is indicated as:

- Investigation: 2012/13;
- Detailed Design: 2014/2015 - 2015/2016; and
- Construction: 2016/2017 - 2019/2020.

33.8.17 Regional Freight Plan - Greater Wellington Regional Council (2011)

The Wellington Regional Freight Plan is a supporting document to the RLTS as it provides a pathway to implement the RLTS objectives and policies that are relevant to freight. It also supports the GPS with its focus on economic growth.

The key actions identified within the Freight Plan 2011 that are relevant to the Project are as follows:

- integrate planning processes – support the implementation of projects in the Corridor Plans identified as having significant freight benefits; and
- improve road freight reliability – ensure the design of State highway projects facilitate the efficient movement of freight, including provision for over-dimension and over-weight vehicles.

The Project implements these actions as the proposed Expressway will have benefits for freight transportation.

33.8.18 Kāpiti Coast Choosing Futures: Community Plan (2009)

Kāpiti Coast Choosing Futures: Community Plan is the KCDC's LTCCP. It was adopted prior to the proposed Expressway being announced.

Outcomes for Ōtaki include a focus of new growth at Ōtaki; strengthening the retail focus of the Ōtaki Railway Area; focusing industrial development in the Riverbank Road 'Clean Tech' industrial area.

These local outcomes for Ōtaki were considered as part of the design of the Project, and in particular through locating and designing north and south entry 'gateways' to Ōtaki .

33.8.19 KCDC Development Management Strategy (2007)

The Strategy contains a range of policies that outline KCDC's high level aspirations for developing and shaping the district. The Strategy refers to a roading network that supports and encourages the development and use of pedestrian, cycle and bridle tracks and quality of design. Regard has been had to these policies in developing and refining the Project.

33.8.20 KCDC Sustainable Transport Strategy (2008)

The intent of the Kāpiti Coast Sustainable Transport Strategy is to act as a conduit between the transport direction outlined in the KCDP and that set out in the RLTS. It contains five focus areas as follow:

The strategy recognises that traffic congestion on SH1 is a problem. However, as it was published prior to the Expressway proposal being introduced, reference is made solely to the proposed Western Link Road (WLR) which effectively 'terminated' at Peka Peka at the south end of the Project.

The Project will achieve or be consistent with the overall intent of the Strategy. The Expressway will substantially improve accessibility through and within the Kāpiti district. Reduced congestion and improved travel movements will reduce the overall level of vehicle emissions. The Expressway will remove through traffic from the existing SH1 which acts as an important local road, providing opportunities to enhance its role and function as a local road. It will also support improved safety and access within Ōtaki.

33.8.21 KCDC Cycleways, Walkways and Bridleways Strategy (2009)

The Project will make a contribution to improved cycling and walking linkages within Ōtaki. The grade-separated crossings over the Expressway including at Rahui Road and Te Horo will separate pedestrians and cyclists, including school generated movements, from traffic using the Expressway and, at Te Horo, the local road (current SH1).

Pedestrian footways are provided within the Expressway corridor within Ōtaki.

Outside of Ōtaki in the rural area, there is little or no provision for non-motorised road users. A footway is provided on the southern side of School Road in Te Horo.

33.8.22 KCDC Subdivisions and Development Principles and Requirements (2005)

This document sets out KCDC's development requirements, with emphasis placed on the integrated management of the effects of activities on the environment.

The document contains one transportation objective:

To plan, provide and maintain an efficient road network appropriate to the level of use that will ensure the safe and orderly passage of road users (including cyclists) and pedestrians throughout the Kāpiti Coast District. The Council wishes to encourage pleasant, cyclable and walkable neighbourhoods with a low speed environment which provides increased amenity.

The Project is consistent with this objective as it will contribute to achieving an efficient, secure and resilient road network in the Kāpiti district. An improved traffic environment through the Ōtaki Railway Retail area will alleviate a presently severely affected area as a consequence of the heavy north/south traffic flows passing through the centre. Important environmental enhancement will be possible with the 'diversion' of the majority of north/south traffic flows onto the Expressway, particularly freight traffic passing through the district.

33.8.23 KCDC Streetscape Strategy and Guideline (2008)

The Kāpiti Streetscape Strategy and Guideline supports the assessment of applications for subdivision consents and proposals to upgrade existing streets. It provides design guidance to enable a coordinated approach to streetscapes.

A section on the SH1 streetscape is included in the document, outlining important issues and elements associated with the existing SH1 streetscape. Opportunities to improve the existing SH1 once the Project is operative will be dealt with as part of the revocation process as a separate project.

33.8.24 Kāpiti Coast: Choosing Futures: Community Outcomes (2009) - Te Horo Local Outcomes (Draft) (2012) and Peka Peka Local Outcomes (2011)

No development for the Expressway is proposed for the beaches, dunes, wetlands or rural areas of Te Horo or Peka Peka. The Project will actually improve transport movements in

and out of Ōtaki, which is an aspiration of the *Te Horo Local Outcomes (Draft) (2012)*, with the reduction of traffic build-up and therefore delays being particularly obvious at weekends and holiday times.

33.8.25 Kāpiti Coast: Choosing Futures. Community Outcomes, Ōtaki Local Outcomes Greater Ōtaki Vision (2007)

Nothing in the Project development is at odds with the GOV. It is considered that the Project is unlikely to have any effect on the aspirations of the Ōtaki community as identified in this Vision statement.

33.8.26 Open Space Strategy 2012

The Project is in an area which, with the exception of the Pare-o-Matangi reserve, is generally some distance from formal open space areas. One challenge which is detailed in this Strategy is the potential severance caused by the Project, as well as the loss of open space in the current SH1 corridor. The encroachment on the open space area adjacent to SH1 will be compensated for by providing suitable open space elsewhere. This is particularly relevant for the Pare-o-Matangi reserve where there is a change in the current available land as a result of the Project passing directly through its current location, however additional land is to be included within the reserve area to ensure that this open space facility and the amenity that it provides the community is retained.

33.8.27 Positive Aging on the Kāpiti Coast (2011)

No adverse effect on the ability of the aging population of the Kāpiti district to move around the Kāpiti district is expected from the proposal. A more efficient transport system with less road congestion is a positive effect for the aging population, as they can get to regional healthcare hubs in a more timely manner.

33.8.28 Youth2U Action Plan (2011)

It is considered that the particular effects of the Project on the youth of Kāpiti will be negligible. However, a more efficient transport system with less congestion is a positive effect for the youth of the Kāpiti district, as they can get to regional urban centres in a more timely manner.

33.8.29 Kāpiti Coast: Choosing Futures, Stormwater Management Strategy 2008

Stormwater management has been addressed in section 18 of this AEE report, and again at 33.5 for the regional planning documents, and therefore is considered to be consistent with the intentions expressed in the Kāpiti Coast: Choosing Futures, Stormwater Management Strategy 2008.

33.8.30 Kāpiti Coast: Choosing Futures, Coastal Strategy (2006)

As this Strategy focuses on the immediate coastal margins and access across the dunes to the beach, it does not take into account any effects from the Project. The Project will not however impede any access to the coast or result in any compromise of coastal issues.

33.8.31 Kāpiti Coast District Council Monitoring Strategy, "Capturing Our Environment", August 2002

The relevant KCDC indicators identified in the Monitoring Strategy are for completed works, rather than proposed works, and therefore once the Project is complete and operational, monitoring can occur. The Project is not anticipated to impede any ability to implement the Strategy during construction.

33.8.32 Water Matters - Kāpiti Coast District Sustainable Water Management Strategy (2002)

There are no water supplies required for the ongoing operation of the Project. Water is required for construction, however this is considered to be a minimal volume that will not impact on the ability to sustainably manage water resources, and therefore not be in conflict with this Strategy.

33.9 Assessment of Section 105 Matters

Section 105(1) RMA sets out the matters that a consent authority must have regard to when considering a resource consent application for a discharge permit. In particular, consideration needs to be given to:

- the nature of the discharge:
- the sensitivity of the receiving environment to adverse effects:
- the applicant's reasons for the proposed choice; and
- any possible alternative methods of discharge, including discharge into any receiving environment.

As some of the applications relating to the Project are for permits to discharge contaminants into water and onto land, section 105 is relevant.

Section 105(1)	Comments	Cross-references
Nature of the discharge and sensitivity of the receiving environment to adverse effects-	<p>Construction of the Project involves major earthworks, with the resultant effect being that stormwater discharges will contain higher levels of sediment than normal during the construction period and will potentially increase the volume of sediment run-off to freshwater, wetland and marine receiving environments.</p> <p>A detailed description of these receiving environments and the nature of the corresponding discharges proposed are included in Part G, Volume 2 and relevant Technical Reports, Volume 3 of the AEE report.</p>	<p>Chapters 18 and 20.</p> <p>Technical Reports 10 and 12.</p>
The applicant's reasons for the proposed choice	<p>The design process to date has, as far as possible, avoided creating adverse effects on sensitive receiving environments. In circumstances where this has not been achievable the BPO is to be employed to remedy, mitigate or offset any actual and potential effects on these areas as no other feasible alternative method of discharge is available.</p> <p>The selection of a BPO will be informed by the following principles regarding the control of erosion and sediment:</p>	<p>Chapters 18 and 20.</p> <p>Technical Reports 10 and 12.</p> <p>ESCP and site specific EMPs Appendix H</p>
Any possible alternative methods of discharge, including discharge into any other receiving environment		

Section 105(1)	Comments	Cross-references
	<ul style="list-style-type: none"> • Minimising disturbance; • Staging construction; • Protecting steep slopes; • Protecting water bodies; • Undertaking progressive and rapid stabilisation of disturbed areas; • Perimeter control; and • Deploying detention devices. <p>The construction of the Project will involve all discharges being appropriately managed through the CEMP to ensure that any effects on freshwater, marine and wetland receiving environments are negligible to minor and acceptable.</p> <p>These effects and their associated mitigation are discussed in detail in the relevant Technical Reports in Volume 3, Part G of Volume 2 and, in relation to the statutory provisions, in the preceding sections of this Chapter.</p>	

33.10 Assessment of Section 107 Matters

Section 107 is relevant because the Project involves the discharge of contaminants or water into water (i.e. it involves the potential discharge of silt-laden water into streams) which are likely to increase sediment levels above current levels during construction. The potential effects under section 107(1) that may occur as a result of discharge of contaminants from the Project are:

- a conspicuous change in the colour or visual clarity (section 107(1)(d)) – earthworks and construction works will cause a change in colour or visual clarity of affected water bodies running through the worksite at times. However, the proposed application of the CEMP will be focused on ensuring that the level of change does not cause significant or permanent adverse effects on water quality and on the receiving environment; and
- any significant adverse effects on aquatic life (section 107(1)(g)) – it is unlikely that there will be any significant adverse effects on shellfish and other organisms in the coastal marine environment.

A consent authority may grant a discharge permit which gives rise to these effects if it is satisfied:

- that exceptional circumstances justify the granting of the permit; or
- that the discharge is of a temporary nature; or
- that the discharge is associated with necessary maintenance work - and that it is consistent with the purpose of the RMA to do so.

The assessments in this AEE report and in the technical reports demonstrate that the Project will meet the tests within section 107(2)(b) for the following reasons:

- the discharges will be short-term;

- the effects will occur at times, but not consistently, during the construction period of the Project which is expected to be staged over 3.5 to 4 years;
- any effects on the coastal environment will be those associated with sediment transport firstly from construction areas, then from rivers and streams that discharge into wetlands and/or the coastal marine area;
- the assessment of effects contained in Technical Report 10, Volume 3 demonstrates that there will be negligible adverse effects on the marine environment;
- effects on stream water quality are not representative of a "typical" day of work on the site, but instead represent the result of an unlikely or extreme weather event (1 in 10 year storm or worse);
- measures can be taken to minimise the likelihood of adverse effects resulting from an extreme weather event - these are set out in the ESCP;
- there will be no on-going adverse effects once the Project's construction has been completed, and there will be some positive effects arising from the implementation of the Project in terms of improving the overall level of discharge of contaminants from roads in the Kāpiti district; and
- it will be consistent with the purpose of the RMA to grant the discharge permits given the scale and significance of the Project and the temporary nature of the approvals sought.

In summary, it is considered that the Project will meet the tests in section 107 of the RMA.

33.11 Assessment of Part 2 Matters

Any consideration under sections 104 and 171 is subject to Part 2 of the RMA which sets out the purpose and principles of the RMA. The purpose of the RMA as expressed in section 5 is to promote the sustainable management of natural and physical resources, with 'sustainable management' defined in section 5(2) as:

managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while—

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

Part 2 provides further direction on the matters of national importance (section 6 - "recognise and provide for"), other matters (section 7 - "have particular regard to") and the principles of the Treaty of Waitangi (section 8 - "take into account").

The promotion of sustainable management often requires a balance between competing resource values and the benefits and adverse effects associated with a proposal, recognising that development, particularly of large-scale projects, will result in some adverse effects. The designation of a large-scale public work often involves careful consideration of the balance to be struck between the regional or national benefits that might accrue from the work and the more localised adverse effects that the work (and its activities) might have on the environment, including on people, communities, and natural resources and values.

At a local level part of the overall balancing involves assessing positive effects alongside adverse effects. As Williamson J stated in the High Court:

"... to ignore real benefits that an activity for which consent is sought would bring necessarily produces an artificial and unbalanced picture of the real effect of the activity"⁶⁰.

In terms of section 5 of the RMA, the construction of the Project (and its role as part of the Wellington Northern Corridor RoNS) will enable people and communities to provide for their social, economic and cultural wellbeing and for their health and safety, by:

- providing for the economic growth of the Region by improving accessibility and connectivity, particularly between economic centres and through new connections across the Region;
- providing significant community, social and transport benefits including:
 - resilience and route security of the transport network;
 - health and safety benefits through reduced incidence of crashes both on the new route, and on the existing SH1 through reduced traffic flows; and
 - reducing traffic flows on the existing SH1, making the local environments more pleasant – for example, through making it easier to walk and cycle along the road with less passing traffic;
- providing social and economic benefits through improved travel time reliability and quicker trips;
- achieving improved reliability for freight movements and resulting economic benefits; and
- completing a section of the Wellington Northern Corridor RoNS - an alternative strategic transport corridor between Wellington Airport and Levin.

The completion of the Project is consistent with the RLTS, and is therefore one component of the strategic land transport solution for the Region's economic prosperity and sustainable growth.

In balancing these considerations with the matters in section 5(2) (a) through to (c) of the RMA, the following conclusions are derived from the planning assessment contained in preceding sections of this chapter:

- in terms of sustaining the potential of natural and physical resources for future generations, the Project will meet the growing transportation needs of the Region and does not preclude future opportunities for other transport development, such as improvements to public transport, particularly rail, and additional improvements to walking and cycling routes beyond those new elements provided by the Project;
- the Project will safeguard the life-supporting capacity:
 - of air, by reducing congestion and improving air quality;
 - of water, because, while during construction there will be a minor short-term adverse effect on water quality from sediment deposition, there will be important long-term benefits arising from revegetation and planting and the treatment of stormwater discharges from the Expressway;
 - of soils, by the management of construction works (to control erosion and land disturbance) and remediation of sites of land contamination;

⁶⁰ Elderslie Park Limited v Timaru District Council CP1 /94, Williamson J.

- of ecosystems, by avoiding, remedying and mitigating the adverse effects on ecological values of terrestrial vegetation (including wetlands) and fresh water (rivers and streams);
- of people and communities; by managing actual and potential adverse effects both during construction and operation, and by having significant positive effects on the transport network; social wellbeing by improving Expressway crossings and connectivity and improving the amenity potential for the Ōtaki Railway Retail area; and the economic benefits associated with improved transport networks; and
- the Project appropriately avoids, remedies and mitigates adverse effects on the environment, including through identification of mitigation and offsetting measures and conditions for the consent applications and designations (refer chapters 31 and 32).

The Project recognises and provides for the matters within section 6 of the RMA, particularly in the following aspects:

- s6(a): the alignment of the proposed Expressway has sought to minimise, as far as practicable, adverse effects on streams and wetlands. Proposed restoration, wetland creation and planting along riparian edges will mitigate the loss of habitat and natural character, and in the long-term it is anticipated that the quality of instream habitats will be improved. The design of culverts and bridges has taken into account the effect on the ecological functioning of the affected waterways to mitigate any impact. Overall, the Project will result in a long-term improvement in the freshwater habitat of the Project area;
- s6(b): the Ōtaki River bridge has been designed to mitigate adverse effects on the characteristics and values of the Ōtaki river corridor;
- s6(c): the alignment of the Expressway minimises adverse effects on areas of significant indigenous vegetation. In particular, through alignment refinement a significant area of indigenous bush and wetland at Mary Crest has been avoided. The indigenous biodiversity of the Project area will be enhanced through new plantings and the enrichment of existing vegetation using locally sourced indigenous species as much as practicable. In regard to indigenous flora and fauna, the corridor was comprehensively investigated. It was concluded that no threatened or at risk terrestrial or wetland species of flora or fauna were present along or immediately adjacent to the Project footprint. Recommendations have been made concerning minimising potential adverse effects on one non-threatened species – peripatus. This has been proposed as a precaution due to the taxonomy of the species being under review which could result in a new species being identified. The risk of significant adverse effects on these animals is identified as low;
- s6(d): the Project will not impact on public access to or along the coastal marine area or along the margins of any river or stream;
- s6(e) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga has been fully taken into account in the selection of the alignment of the Expressway, and in the design of mitigation measures which has occurred in consultation with iwi;
- s6(f): the protection of historic heritage has been recognised and appropriate mitigation measures are recommended where there are actual or potential adverse effects. Detailed investigations will be undertaken in areas of high archaeological potential prior to construction (refer Technical Report 17, Volume 3 of the AEE report); and
- s6(g): the Project does not impact on any recognised customary activities.

The Project has also had particular regard to and has appropriately responded to the matters in section 7 of the RMA. While not exhaustive, the following are considered particularly relevant:

- s7(a): the kaitiakitanga of tangata whenua has been recognised in seeking a specific cultural impact assessment from Nga Hapū o Ōtaki (refer Technical Report 19, Volume 3). This process has recognised the principles of the Treaty of Waitangi (the partnership between iwi and the NZTA as a Crown agency, and the retention by Māori of rangatiratanga over their resources and taonga in particular);
- s7(aa): the ethic of stewardship has been recognised through engagement with and participation of tangata whenua in hui early in and throughout the Project's development process;
- s7(b): the Project will improve the efficient use of the State highway network as a physical resource, and improve the use and function of the wider network;
- s7(c)/s7(d): the selection of the alignment and the design of the Expressway sought to avoid, or minimise potential adverse effects on amenity values and the intrinsic ecosystems within the Project area. Where this was not appropriate (e.g. in relation to the Pare-o-Matangi reserve and the Ōtaki Railway Wetland) measures have been developed to mitigate the effects of the Project on amenity and ecosystem values;
- s7(f): the selection of the alignment and design of the Expressway sought to mitigate the effect of the Project on local amenity values, with a focus on the relationship of the Project with the adjacent communities at Te Horo and Ōtaki and on those points along the proposed road with which most of the community would interact – i.e. interchanges and under-bridges. An inter-disciplinary approach was undertaken to address all related aspects of the Project design (e.g. noise attenuation, air quality, lighting, urban design, landscape and visual and ecology (terrestrial and aquatic)) to develop the best practicable solutions in assessing alternatives and designing appropriate mitigation on adjoining amenity values. It is acknowledged that the Project represents a permanent and considerable change to the existing character of parts of the Project area and on the quality of its environment. However, the route of the Expressway has been selected to minimise the overall impact on the Kāpiti district while best meeting Project objectives. The alignment selected was consistent with the present 'urban form' of this northern part of the Kāpiti district and located within a corridor sufficiently wide enough to provide a significant level of mitigation; and
- s8: the Project has taken into account the principles of the Treaty of Waitangi through early and on-going consultation, engagement, and partnership with tangata whenua, including the request for tangata whenua to prepare a cultural impact assessment of the Project.

Overall, when the benefits of the Project are considered alongside the proposed measures to avoid, remedy and mitigate the associated adverse effects, the Project promotes sustainable management of natural and physical resources and is consistent with the purpose and principles of the RMA. As a result, it is considered that the purpose of the RMA will be achieved by confirming the NoRs and granting the resource consents sought.

33.12 Conclusion

The Expressway from Peka Peka to North Ōtaki, and the consequent realignment of the NIMT through Ōtaki, represents a project of national significance.

The statutory assessment that has been undertaken and reported on in this chapter, has concluded that the Project is consistent with the relevant objectives and policies of the applicable national, regional and district level statutory instruments.

The Project will promote the sustainable management of natural and physical resources and is consistent with the purpose and principles of the RMA.

Notwithstanding the above, the Project will result in some adverse effects, particularly in relation to landscape, and visual amenity, earthworks, terrestrial and aquatic ecology and historic heritage.

On the other hand the Project will result in significant positive effects, particularly in relation to transportation and traffic, the 'essential' purpose of the Project, but also in terms of social and economic wellbeing.

Throughout the consideration of alternatives / route selection process, and the subsequent design process, the approach has been to avoid and, where avoidance is not possible, remedy or mitigate actual or potential adverse effects associated both with the construction phase and the operation of the Project.

To this end comprehensive management plans directed toward 'managing' the construction phase have been developed, as has a comprehensive suite of recommended consent conditions which set the framework and key environmental parameters in which the management plans operate.

As has been previously established:

The idea of mitigation is to lessen the rigour or the severity of effects. We have concluded that the inclusion of the word in s5(2)(c) of the Act, contemplates that some adverse effects from developments such as those we have now ascertained may be considered acceptable, no matter what the attributes the site might have. To what extent the adverse effects are acceptable, is however, a question of fact and degree.⁶¹

The overall conclusion is that in relation to 'adverse effects on the environment' the Project has effectively responded to section 5(2)(c) in relation to avoiding, remedying and mitigating adverse effects. Where there remain some adverse effects post-mitigation, for example in relation to landscape and visual effects, those effects are acceptable.

The Expressway, which forms part of a RoNS, and the realignment of the NIMT will deliver significant national and regional benefits. It will have some limited adverse effects at the local Kāpiti district level. It will also have some significant positive effects at the local level.

As a result, it is the conclusion of this statutory assessment that the purpose of the RMA will be achieved by confirming the NoRs and granting the resource consents sought for the Project.

⁶¹ Trio Holdings v Marlborough District Council, W103/96, p37.