

**REQUEST FOR REQUIREMENT TO BE DETERMINED BY ENVIRONMENT COURT**

*Section 198B, Resource Management Act 1991*

**To** South Waikato District Council

- 1 Waka Kotahi NZ Transport Agency (*Waka Kotahi*) requests that South Waikato District Council (SWDC) allows the notice of requirement that accompanies this request to be determined by the Environment Court instead of SWDC.
- 2 This request relates to a notice of requirement to alter Designation D451 in the South Waikato District Plan, to allow for the construction, operation and maintenance of a new roundabout at the intersection of State Highway 1 (SH1) and State Highway 29 (SH29) at Piarere (*Project*). The Project includes the construction of an elevated two-lane roundabout north-west of the site of the current intersection, cycle and pedestrian underpasses and a stormwater management system.
- 3 Waka Kotahi has also lodged a notice of requirement for an alteration to a designation with the Matamata-Piako District Council and applications for resource consents with the Waikato Regional Council. That notice of requirement and resource consent applications are to be heard together and are also the subject of applications for direct referral.

**Reasons for the request**

- 4 The reasons for the request are as follows:
  - 4.1 The Project will deliver a considerable public benefit to the Waikato Region and nationally, by significantly improving safety at one of the most dangerous intersections on New Zealand's roading network. Waka Kotahi is committed to improving safety at this intersection, with the Government funding the Project as a priority through its inclusion in the New Zealand Upgrade Programme.
  - 4.2 Construction is programmed to commence in late 2022, subject to acquiring the RMA statutory approvals, necessary property rights and preparation of detailed design. Direct referral of the notice of requirement will help enable Waka Kotahi to implement the Project in a timely and efficient manner.
  - 4.3 Without direct referral, there is a risk that an appeal by submitter(s) against a decision by Waka Kotahi as requiring authority could result in a more time consuming two-stage process. In the event of an Environment Court appeal, commencing construction by late 2022 is unlikely to be possible, ultimately delaying the delivery of the Project's critical safety improvements.
  - 4.4 Waka Kotahi has discussed its intent to proceed with direct referral with Mana whenua and key stakeholders, including the SH1/SH29 Consent Steering Group<sup>1</sup>

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<sup>1</sup> Comprising Matamata-Piako District Council, South Waikato District Council, Waikato Regional Council, Department of Conservation, and Heritage New Zealand Pouhere Taonga.

and the Ngati Koroki Kahukura Trust and the Ngati Hauā Iwi Trust who are Mana whenua for the area. Mana whenua and stakeholders have not raised any concerns about the use of direct referral.

- 4.5 Waka Kotahi has engaged with Mana whenua, key stakeholders and directly affected landowners regarding the Project, to provide those parties with background information on the Project and its potential effects. Waka Kotahi has requested that the notices of requirement and resource consent applications for the Project be publicly notified, ensuring that all affected parties will have a chance to make a submission. The direct referral process enables effective participation by submitters and no parties will be unduly prejudiced by the direct referral process.

**Dated:** 24 August 2021



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