32. Statutory assessment

Overview

There is a large number of objectives and policies relevant to the Project (from national, regional and district planning documents). An analysis of the relevant objectives and policies is provided in this chapter and it is concluded that the Project is generally consistent with these.

The conclusions of this assessment include the following:

- Overall, the Project is not inconsistent with the relevant objectives and policies of the national and regional statutory planning documents;
- The Project is a key part of the Wellington RoNS which will, as a whole, bring significant travel time savings between Wellington Airport and Levin, and ease freight movements into and out of Wellington;
- The Project is entirely consistent with the transport related policies in the Regional Policy Statement, the Regional Land Transport Strategy and the four district plans;
- The Project will sustain the potential of natural and physical resources for future generations. It is intended to meet the growing transportation needs of the Region and does not preclude future opportunities for other land transport development, such as public transport;
- The Project safe-guards the life supporting capacity of air, soils, water and ecosystems;
- The Project's adverse effects on the environment will be avoided, remedied, mitigated (including by offsetting) (as set out in Part H of this AEE) sufficient to satisfy the requirements of section 5 of the RMA;
- The Project recognises and provides for the matters in section 6 of the RMA;
- The Project has also appropriately responded to those matters in Sections 7 and 8 of the RMA.

It is concluded that the proposals will meet the statutory tests of the RMA.

In light of the matters considered and assessed, it is considered that the benefits of this Project alongside the proposed measures to avoid, remedy and mitigate the adverse effects, leads to the conclusion that the Project is consistent with the purpose and principles of the Act. 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.

32.1 Introduction

The assessment generally follows the hierarchy of applicable planning documents shown in Figure 32.1 and concludes with an assessment against Part 2 of the RMA.

Figure 32.1: Hierarchy of relevant planning documents

32.2 National Policy Statement for Freshwater Management 2011

The NPS FW is relevant to the Project. The NPS FW contains a Preamble and then five sections containing Objectives and Policies which are grouped into the following topics:

- Water quality
- Water quantity
- Integrated management
- Tangata whenua roles and interests
- Progressive implementation programme

32.2.1 Water quality

Of particular relevance to the Project are the provisions related to water quality which are aimed at:

1. *Managing the use and development of land and discharges of contaminants to safeguard the life-supporting capacity, ecosystem processes and indigenous species of freshwater (Objective A1); and*
2. *Maintaining or improving the overall quality of fresh water within each region, while protecting the quality of outstanding freshwater bodies and the significant values of wetlands and improving the quality of water that is degraded by human activities (overallocated) (Objective A2).*

The NPS FW 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). The NPS FW also requires immediate inclusion of stated objectives and policies into regional plans (no further RMA Schedule 1 process is required, they are deemed to be automatically included from 1st July 2011). These are:

"*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 fresh water including on any ecosystem associated with fresh water; and

b) the extent to which it is feasible and dependable that any more than minor adverse effect on fresh water, and on any ecosystem associated with fresh water, 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 fresh water, 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 fresh water.

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."

- For the most part, discharge of contaminants arises from construction activities (silt and sediment) and many methods are proposed to avoid discharges of sediment as far as practicable, or to mitigate as far as practicable. Actual and potential adverse effects arising from sediment are concluded to be minor (Ecological Impact Assessment - **Technical Report 11**) although it is acknowledged that there could be some short term effects on water quality albeit with a minor effect on ecosystems which are already well adapted to high sediment loads (Policy 1(a)).
- Options to avoid discharges to freshwater that will have a more than minor effect have been extensively considered, along with a wider package of measures to avoid, remedy and mitigate adverse effects of the Project as a whole (Policy 1(b)). Methods to avoid adverse effects, and consider alternative options, are discussed in Chapter 9 of this AEE report, and include an integrated approach between specialists.

Overall, it is concluded that the Project will be generally consistent with the intent of the NPS FW in relation to water quality.

32.2.2 Water quantity

The NPS FW sets out objectives for water quality aimed at:

- Sustainably managing the taking, using, damming, or diverting of fresh water to safeguard the life-supporting capacity, ecosystem processes and indigenous species (B1);
- Avoiding any further over-allocation and phasing out existing over-allocation (B2).
- Improving and maximising the efficient allocation and efficient use of water (B3); and
- Protecting significant values of wetlands (B4).

Because the Project will requires diverting of freshwater, this chapter is relevant. Similar to the water quality chapter the NPS FW inserts new provisions in regional plans that take effect immediately as of 1 July 2011:

"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 fresh water 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 fresh water 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 fresh water 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 fresh water, 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 discussed further below (in consideration against the Regional Freshwater Plan), the following points are relevant in relation to stream diversion:

- There will be notable adverse effects on streams as a result of the Project – from removal of habitats, construction of structures, reclamation and realignment (Policy (1)(a)). Reestablishment and reconstruction of habitats is a key part of this Project and the management of actual and potential adverse effects on streams. It has been a main focus of the technical studies and this statutory planning assessment due to the emphasis under the RFWP Policy 4.2.10 on avoiding effects on waterbodies identified as having Natural Character Value, and because of the non-complying activity status. The Ecological Impact Assessment concludes that the extent of the change is more than minor in the context of the Act, but that there are opportunities to manage adverse effects to an appropriate level by avoidance, remediation, or mitigation.
- Avoidance of effects (Policy (1)(b)) is considered in Chapter 9 of this AEE. Methods to avoid more than minor adverse effects on streams have been extensively considered throughout the development of the design. In short, it was not possible to have a feasible Project and eliminate more than minor effects – so a balanced approach to assessing effects over the whole alignment and gamut of effects has been taken – i.e. considering all options to manage effects and balancing those effects with the environmental benefits the Project will bring.

32.2.3 Tangata whenua roles and interests

Part D of the NPS FW seeks "*To provide for the involvement of iwi and hapu, and to ensure that tangata whenua values and interests are identified and reflected in the management of fresh water including associated ecosystems, and decision-making regarding freshwater planning, including on how all other objectives of this national policy statement are given effect to.*" (Objective D1).

Part D requires local authorities to take reasonable steps to work with iwi and hapu and to reflect tangata whenua interests (Policy D1).

Whilst the NPS requires actions to be taken by regional council to develop policies (rather requiring actions by an applicant for consents and approvals), it is relevant to mention that this Project has been developed in consultation with tangata whenua and the ongoing construction, maintenance and operation phases will continue in this manner.

32.3 National Policy Statement for Electricity Transmission 2008

The National Policy Statement on Electricity Transmission (NPS ET) sets out the objective and policies for managing the electricity transmission network under the Act. Local Authorities are required to, within 4 years of approval of the NPS ET, process a Plan Change to give effects to its provisions. The NPS ET gives guidance to the drafting of plan rules and decision-making on resource consents. There is one objective in the NPS ET:

> *"To recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:*
>
> - *managing the adverse environmental effects of the network; and*
> - *managing the adverse effects of other activities on the network."*

The following policies relate to recognising the national benefits of transmission and managing effects, both on and of transmission infrastructure. Bullet point 2 of this objective is particularly relevant to the Project and Policies 10 and 11 are also relevant to "managing the adverse effects of third parties on the transmission network". In this regard, the NZTA and Transpower (as owner of the transmission lines), have been working closely together to develop a solution for relocation of transmission lines and towers as enabling works for the construction of the Project. Many alternative options have been considered for both the road and the lines in order to achieve a workable outcome. The NZTA and Transpower have also chosen to lodge RMA consent applications together in order to achieve an aligned consenting outcome. It is considered that this approach meets the intent of the NPS ET.

32.4 NZ Coastal Policy Statement 2010

The New Zealand Coastal Policy Statement 2010 (NZCPS) provides policy guidance and direction on management of the coastal environment. Whilst the Project is not located within the Coastal Marine Area, it affects streams and catchments within the vicinity of the coastal environment of the Porirua Harbour. The Assessment of Landscape and Visual Effects and Ecological Impact Assessment both consider the surrounding landscapes which rise up from the Harbour as being part of the wider coastal environment. Policy statements and plans produced by the regional and territorial authorities must give effect to the NZCPS.[164] Matters addressed in the NZCPS include:

164. Sections 62(3), 67(3)(b) and 75(3)(b).

- Preservation of the natural character of the coastal environment;
- Protection of those characteristics of the coastal environment of special value to tangata whenua;
- Provision of appropriate subdivision, use and development of the coastal environment; and
- The Crown's interest in the Coastal Marine Area.

These matters are addressed (on the basis of the superceded NZCPS 1994) at a regional level within the objectives, policies, rules and other provisions of the Wellington Regional Policy (RPS) Statement and the Wellington Regional Coastal Plan (which are discussed separately below). It is acknowledged that the statutory planning documents will be out of date with respect to the new NZCPS which came into effect in December 2010. In summary the following planning assessment is provided for relevant objectives and policies of the NZCPS.

32.4.1 NZCPS Objectives

There are seven overarching objectives of the NZCPS of which Objectives 1, 2, 3, and 6 are most relevant to this Project. These set out the high level direction for management of the Coastal Marine Area, and the policies follow this direction. The following assessment considers both the relevant objectives and policies together.

32.4.2 The extent and characteristics of the coastal environment (Objectives 1 and 2, and Policy 1 and 4)

The NZCPS which came into effect in December 2010 introduced a new focus on the extent and characteristics of the coastal environment (Policy 1). In the case of the Project, whilst the Project does not extend into the Coastal Marine Area, and the Project does not require resource consents under section 12 of the Act, or under the Regional Coastal Plan, the Project has the potential to have adverse effects on the coastal environment – in particular, the Porirua Harbour – arising from land-based construction activities (Policy 4). Having regard to the extent and, in particular, the characteristics of the coastal environment, assessments have been undertaken to consider the effects of the Project on the coastal environment and coastal processes. In particular, this is reflected in **Technical reports 5, 6, 10, 11, 14 and 15**. It has also been part of the consideration of alternatives sites, routes and methods and has resulted in refinements to the design that is the subject of this consenting process (Chapter 9 of this AEE).

In summary, the preparation of the application documentation has had detailed regard to the coastal environment by assessing its significance, the actual and potential effects on it, and methods to avoid, remedy and mitigate adverse effects. The application documents conclude that the ecological values of the coastal environment will be maintained in the long term, although there is a very low potential for a moderate adverse effect arising from an extreme weather event. Further discussion about the regionally specific objectives and policies in the PRPS and the Coastal Plan follow below and discuss regionally specific features and effects.

32.4.3 Treaty of Waitangi, tangata whenua and Maori (Objective 3 and Policy 2)

By engaging tangata whenua in the preparation of the application documents, and by making key design decisions in consultation with tangata whenua, matauranga Maori (Maori customary knowledge, traditional knowledge or intergenerational knowledge) has been incorporated. The Porirua Harbour is an area of historical interest to Ngati Toa as mahinga kai (places of food gathering) and the associated quality of freshwater streams, watercourses and their habitats that flow to the coast is of particular interest in the context of this Project. This policy direction, along with the advice of Ngati Toa, has helped inform the technical assessments in relation to Objective 3 and Policy 2, in particular by focusing the assessments of effects on the coastal environment on recognizing the key areas and issues of importance to allowing tangata whenua to continue to exercise their role as Kaitiaki of the coastal environment.

32.4.4 Activities in the coastal environment (Objectives 4 and 6, and Policy 6)

Policy 6 of the NZCPS recognises that there are activities that affect the coastal environment such as the provision of infrastructure that are important to social, economic and cultural well-being (Policy 6-1(a)). As discussed in **Technical Report 5** (Assessment of Landscape and Visual effects), the Project is considered to be located within the wider coastal environment from a landscape perspective. That report concludes that the Project will hardly be visible from the coastal environment.

32.4.5 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. These policies as a group discuss the overall, natural character of the coastal environment and have informed the assessments of the Project insofar as how it will affect natural character, and how effects can be managed.

The Porirua Harbour has been modified in the past, in particular at its entrance (Onepoto arm at Porirua Stream) with the construction of the railway causeway and associated reclamations. Further changes were made in relation to substantial reclamations to create the marina and development land, and then second bridge road crossing at Mana. The latter respects have affected the ability of the Harbour to flush properly, meaning the original tidal flows are heavily modified and do not penetrate into the upper reaches with as much force as they would have historically. With increased sediment runoff from urbanised land and rural pastoral land and farming, this combination of land use change and modification has contributed to the build up of sediment in the Harbour.

As a matter of national importance under Part 2 of the Act, natural character is a key consideration. Having regard to Policies 13 and 14, the following assessment is made:

- Regarding natural character, the Project does not require the construction of any structures or features in the coastal environment that would have an effect on natural character.

- As demonstrated in Part G of this AEE and in **Technical Assessment 11** (Ecological Impact Assessment), not all adverse construction effects on the coastal environment can be avoided as there will be some effects on the coastal and ecosystems from the deposition of sediment from the streams in the catchments surrounding the Porirua Harbour. There is the potential, albeit of a very low probability, for moderate adverse effects as a result of sediment deposition in the event of extreme weather conditions coinciding with major earthworks periods. For the most part, effects from construction are temporary, short term and are unlikely to have any lasting adverse effect on the coastal environment. Further discussion about this against the regionally specific provisions of the PRPS follows below.
- Once construction is completed, there will be an enhancement of stream, and therefore, of coastal water quality resulting from land retirement, revegetation and planting in stream catchments. Parts of the stream system will be better than they currently are, providing to moderate good natural habitats for native species where it currently does not exist (notably in the Horokiri/eastern branch) and opening up Duck Creek to native species.
- The assessment and design for the Project has considered the natural character of the coastal environment, both in terms of the visual/landform, cultural and historical values, recreational values, and in terms of the dynamic processes of the natural environment – refer to **Technical Report 14** (Assessment of Hydrology and Stormwater Effects). Recognising that there is a degree of physical modification to the coastal environment arising from both modification to the Harbour entrance, and from changes to land uses in the surrounding environment resulting in increased sediment runoff over time, the specific elements which contribute to the natural character of the area will not be adversely affected by this Project.

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

Policy 21 requires that where water quality in the coastal environment has deteriorated such that it is having a significant adverse effect, that priority 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.

Water quality is a primary issue for the coastal environment in the consideration of the Transmission Gully Project, particularly during construction, because it is essentially a very large earthworks project which is being undertaken within a number of catchments that drain to the Porirua Harbour (from south of Wainui Saddle). The extent of effects on the coastal environment are largely related to construction and then, arising from the effects of an increase in sediment generating activities in the surrounding catchments.

Having regard to Policies 21, 22 and 23, the following assessment is made:

- The streams in the catchments affected by the Project are affected by high sediment levels currently, as a result of modification for urban and rural land uses. Functioning of streams has been affected by a number of land use activities including urban development, farming and forestry. **Technical Report 11** (Ecological Impact Assessment), demonstrates that the existing habitats have, as a result, adapted to a high sediment environment and are therefore reasonably resilient to sediment. Regardless of this, the Policy direction acknowledges that some coastal environments are already degraded, and that existing effects experienced could be enhanced by an improved approach to sediment management.
- A substantial body of information has been gathered as part of the background studies for this Project, about the hydraulic behaviour of the Porirua Harbour – including both the Onepoto Arm and the Pauatahanui Inlet. This will assist not only the NZTA, but also other agencies including the PCC, to better understand the effects of land use, subdivision and development on the Harbour. This improved understanding allows both the NZTA, and other parties to make better informed decisions about managing the effects on water quality in the Harbour.
- In the long term, **Technical Report 11** (Ecological Impact Assessment), demonstrates that the Project will not make any significant contribution to the continued degradation of streams – and consequently the quality of water discharging to the coastal environment. In fact, the Project will make some important enhancements and have a positive effect in many instances.
- The proposed covenanting and retirement of land – particularly in the Upper Horokiri catchment – is consistent with the Policy direction which promotes better management of land uses, including forestry and farming, where they are likely to contribute to sediment and other potential contaminants runoff to the coast.

Overall, it is concluded that the Project will be entirely consistent with these objectives and policies.

32.5 Proposed National Policy Statement on Biodiversity

The proposed NPS: Biodiversity is intended to provide clearer direction to local authorities on their responsibilities for managing indigenous biodiversity under the Act. The proposed NPS contains a list of criteria for identifying areas of indigenous vegetation and habitats of indigenous animals that have been recognised as being rare and/or threatened at a national level, and applies outside the conservation estate. Local authorities will be required to identify significant areas of biodiversity within five years after the NPS takes effect and will require a "no net loss" approach to applications for resource consents.

Whilst the NPS has yet to be gazetted and has not yet taken effect, public consultation has been completed as of May 2011, and it may come into effect during the process of considering this suite of applications. The Ecological Impact Assessment report has had regard to indigenous biodiversity in both field studies, development of the engineering design, and development of methods to avoid, remedy and mitigate adverse ecological effects arising from the Project. An example of where indigenous biodiversity has been recognised and provided for in this Project is in the design of the Upper Horokiri Wetland which will provide habitat for leptinella tenella – a native wetland groundcover species.

32.6 Proposed Regional Policy Statement

The PRPS sits above the Wellington Regional Plans in that under section 67(3) of the RMA, the Regional Plans must give effect to the provisions of the RPS. The PRPS is still subject to appeal, but is a relatively new document compared to the regional plans, and therefore provides an up to date position on the policy direction proposed for the Region. The PRPS is considered to hold greater weighting than the Operative RPS given the stage it has reached in the process towards becoming operative. Hearings have been held, decisions made, and appeals received.

A full assessment of the Project has been undertaken against the objectives and policies of the PRPS and is provided below. 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."

32.6.1 Assessment

32.6.1.1 Air quality

The PRPS separates air quality issues into two categories: Amenity (Objective 1) and Health Effects (Objective 2) – and each Objective has corresponding policies and methods. The PRPS seeks to maintain and enhance air quality in the Region. The RPS states that overall regional air quality in Wellington is generally good. In consideration of the relevant objectives and policies, the following conclusions are reached in respect of the Project:

Amenity effects (Objective 1)

Amenity effects will arise primarily through dust emissions from the earthworks associated with construction. There will be negligible air quality amenity effects arising from the operation of the road.

Policy 1 considers reverse sensitivity effects that may arise from operating one land use close to another, more sensitive land use. Land uses are generally controlled through District Plans, and the NoR process will result in a clear demarcation of the Project within the relevant District Plans. This will allow any future property owner or occupant to clearly identify the proposed location of the new road, and be aware of its presence. The existing TG designation also fulfils this purpose insofar as it signals the potential future land use (i.e. of a road transport corridor). In this regard, the NoR process is useful for a Project that has a longer timeframe for implementation as it protects the route and clearly demonstrates the presence of a proposed future transport corridor on District Plan maps which are easily accessible to the public.

Policy 2 requires consideration of reducing the effects of odour, smoke, dust and fine particulate matter. Dust arising from construction activities such as earthworks will be the most noticeable amenity effect, along with localised dust associated with specific point source activities such as concrete batching. Appropriate conditions are proposed to manage these specific short term effects. In addition to this

consideration has been given to the location of the concrete batching plant to minimise effects on people and physical resources such as houses and buildings.

Health effects (Objective 2)

In relation to Policy 2, the potential for health effects in relation to roading infrastructure relate primarily to fine particulate emissions from vehicles and, to a lesser extent, from concrete batching. **Technical Report 13** (Assessment of Air Quality Effects) concludes that local air quality in close proximity to the road will be slightly lower simply due to the presence of the road (i.e in those "greener" areas of the route), though this will be barely noticeable and unlikely to have any adverse health effects. Air quality for urban areas will slightly improve because vehicle travel will be more efficient (less CO2 per km as compared to without the Project), and local air quality for coastal communities will substantially improve by virtue of there being substantially fewer vehicles using this route.

Overall, it is concluded that the proposal will be entirely consistent with the relevant objectives and policies that relate to air quality.

32.6.1.2 Coastal environment (including public access)

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); Natural habitats and features, Coastal water quality and ecosystems (Objectives 3, 6 and 7); and Public Access (Objective 8). In relation to this Chapter of the PRPS the following conclusions are made:

Natural character (Objectives 4 and 5)

The Project does not entail the construction of any structures or features in the coastal environment that would have an adverse effect on natural character (refer to **Technical Report 5**). The Project is considered to be located within the wider coastal environment (Policy 37), though its visually distant proximity to the coast means it is unlikely to have an adverse effect on natural character (Policy 34 and 35).

Natural habitats and features (Objective 3), Coastal Water Quality (Objective 6) and Ecosystems (Objective 7)

As demonstrated in Part G of this AEE and in Technical Assessment 11: Assessment of Ecological effects there may be some potential effects on the quality of coastal ecosystems. Effects may arise from the distribution of sediment from the streams in the catchments surrounding the Porirua Harbour.

- In the catchments that run into the Porirua Harbour and in the environment surrounding the Harbour, human activities have had a significant effect over time on the visual appearance, character and natural coastal processes. There is already a significant contribution of sediment to the Harbour arising naturally from land runoff and as a result of existing land uses in the catchment such as farming and forestry. The Project will contribute to this sediment load during the construction phase.

- Historically, works at the Harbour mouth such as the construction of the railway line, and reclamations, have affected natural flushing processes meaning sediment is not washed away as quickly as it would have been in an unmodified environment. However, this has also meant that benthic communities are hardier and accustomed to high levels of sediment.
- For the most part, effects from construction are temporary, short term and unlikely to have any lasting adverse effect on the coastal environment because natural tidal processes will flush sediment away. There is the potential, albeit of a low probability, for moderate adverse effects on small parts of the Harbour as a result of sediment deposition in the event of extreme weather conditions coinciding with major earthworks periods.
- Once construction is completed, there will be an enhancement of coastal water quality resulting from land retirement, revegetation and planting in upstream catchments. This is entirely consistent with the aim in Policy 5 of maintaining and, where possible, enhancing water quality.
- The approach to mitigating actual and potential effects on the environment (particularly in relation to effects on streams and habitats) is entirely consistent with Policy 64 which makes reference to supporting environmental enhancement initiatives – albeit non-regulatory.

Public access (Objective 8)

- The Project will not adversely affect public access to the coastal environment because there are no works proposed close to or within the coastal marine area. Maintaining and enhancing public access is an important tenet of all the statutory documents, and this Project will not adversely affect access.

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

32.6.1.3 Energy, infrastructure and waste

The "Infrastructure" objective (Objective 10) and policies (Policies 6, 7 and 38) of this section are particularly relevant to the Project. The PRPS also defines 'regionally significant infrastructure' under the explanation for Policy 6, and it includes "*the Strategic Transport Network, as defined in the Wellington Regional Land Transport Strategy 2007-2016*", and addresses the provision of regionally significant infrastructure in the proposed objectives by recognising that it is a necessary and important part of the environment. This includes the State Highway network, of which the TG Project will be a part. It is relevant that central government has nominated the Project as a key part of the Wellington RoNS, in the GPS. This is therefore consistent with the policy direction in the PRPS and related documents such as the Regional Land Transport Strategy.

Objective 10 is that the "*social, economic, cultural and environmental benefits of regionally significant infrastructure are recognised and protected*".

It is also relevant in the context of RMA Section 30(1)(gb) which states that a function of a regional council is:

> *"Every regional council shall have the following functions for the purpose of giving effect to this Act in its region:…(gb) the strategic integration of infrastructure with land use through objectives, policies, and methods"*

This section was added in the RMA Amendment Act 2005. The GWRC has included these policies which are directly relevant to the requirement to have regard to the strategic integration of infrastructure.

The Project will be entirely consistent with, and in fact will further Objective 10 insofar as the Project provides for a more efficient road transport network that will allow people to travel quicker and more reliably around the Region.

As discussed in Part G and in the Assessment of Traffic and Transport Effects report, the Project will:

- improve travel time reliability;
- reduce traffic travelling through local coastal communities;
- reduce travel times around the Region; and
- improve safety (through crash reduction).

Therefore, the Project will provide social and economic benefits in particular, to people and communities by:

- improving the amenity local coastal communities through a reduction of traffic travelling through them. It will be easier for people to cross the road, stop and park on the road, and potentially make it safer to get out of vehicles on the road and visit local shops and businesses;
- enhanced safety for pedestrians and cyclists using the old SH1 benefitting from less through traffic;
- enhance safety for people travelling both short and longer distances through the Region by using the new route which has been designed to meet modern safety standards and will result in reduced crashes in comparison to the existing route;
- more reliable travel times meaning that people will be better able to predict how long it will take to travel, providing greater certainty and less stressful/uncertain travel experiences;
- reduced travel times around the Region will have benefits both for commuters, as well as for tourism and freight movements – which are key aims of the GPS. This will both improve productivity with faster freight movements, along with enhancing trip enjoyment for both tourists and commuters.

Recognising the benefits from regionally significant infrastructure (under Policy 6) is an important consideration for this Project, and it is concluded that the Project will be entirely consistent with this Policy – and this clearly links back to the direction set out in Section 30(1)(gb) of the Act.

32.6.1.4 Fresh water (including public access)

The PRPS states that fresh water is integral to our health, wellbeing, livelihood and culture and that it is a matter of national importance to protect wetlands, lakes, rivers and streams from inappropriate use and development (Objectives 12 and 13). The PRPS also acknowledges fresh water as a significant taonga to tangata whenua, and this is confirmed in the cultural assessment prepared by Ngati Toa (refer to **Technical Report 18**).

Water Quantity and Quality (Objective 12 and Policies 11, 12, 13, 14, 15, 39, 40 and 41) and Ecosystems (Objective 13 and Polices 16, 17, 42 and 64)

- The PRPS acknowledges that many streams in the Region are of a poor quality due to urban development, farming and forestry, and encourages maintaining and where possible enhancing degraded habitats (Policies 11 and 39).
- Some streams in the catchments that will be affected by the Project are already affected by high suspended sediment levels, as a result of natural runoff from the land, and from modification for urban and rural land uses. Functioning of streams has been affected by a number of the activities including, filling and piping, vegetation removal, works in watercourses, pests and weeds, stock access, structures and culverts without fish passage and abstraction. In the long term, **Technical Report 11** (Ecological Impact Assessment) demonstrates that the Project will not make any significant contribution to the continued degradation of streams. In fact, the Project will make some important enhancements and have a positive effect in many instances. In this regard, although the Project will generate sediment during construction and this will affect water quality, there will be some enhancements to water quality in the long term resulting from land retirement, revegetation and planting in upstream catchments. This is consistent with the approach of Policies 11 and 39.
- The proposed landscaping has been specifically designed by both ecology and landscape specialists in order to provide a coordinated approach to addressing effects, including effects on riparian margins and in the upper catchments of streams. This will, in some instances, result in positive environmental benefits in the long term including improved water quality from run off, which is also consistent with the approach in Policy 64 which seeks environmental enhancement where appropriate.
- The approach to managing adverse ecological effects, either through avoiding, remedying, mitigating or offsetting, has been adopted to consider the effects of the Project as a whole – i.e. one Project affecting lots of catchments – with the development of measures to manage effects considered across the Project length. This approach allows a much wider geographical consideration of opportunities to manage effects. In some instances different catchments will realise a much greater overall benefit from mitigation of effects than the catchment in which the actual effects are felt. Whilst the priority for reinstatement or mitigation measures is always as close to the source of the effects as possible, in some instances a better outcome can be achieved elsewhere. In the context of the overall Project, it is considered that there will be an overall gain in ecological values – an overall enhancement of ecological values in the long term. This approach is explained in more detail in the Ecological Impact Assessment.

- The Project design has sought to minimise impacts on streams and fresh water habitats through continued design refinements as part of the integrated engineering and environmental assessments completed for this the consenting phase. In addition, opportunities to enhance water quality and stream habitats have been identified through the assessment process, and this is consistent with the regional policy direction in relation to water quality – in particular the focus of Policy 11 in relation to maintaining and enhancing habitat.
- The approach of using management plans to allow a contractor to develop a construction methodology on site – whilst still being required to achieve a prescribed performance standards is consistent with the policy direction in the Plan. In particular, and whilst it is acknowledge that there will be a large amount of earthworks and vegetation removal required for the Project, this is mitigated through the requirement to firstly minimise vegetation removal where practicable, minimise open areas of earthworks and to progressively stabilise land as works are completed. This is consistent with Policy 40 which aims to minimise earthworks and vegetation removal in order to manage effects on water quality and habitats.

Public access (Objective 8)

- The Project will enhance public access to some parts of watercourses along the route. The Project provides for replacement access to publicly owned land – BHFFP and Belmont Regional Park, for example – where the route severs existing accesses. Objective 8 and Policy 52 of the RPS both seek to enhance access to the coastal marine area and to lakes and rivers, and it is considered that this Project will be entirely consistent with this aim.

32.6.1.5 Historic heritage

The PRPS seeks to avoid the inappropriate modification and use and development of historic heritage (Objective 15). There is one historic heritage site of note within the Project area (brick fuel tank) and one just outside of the project area (St Joseph's Church at Pauatahanui), both of which have been recognised and provided for in the process of designing the Project:

- Early identification of these features (Policy 20 and 21) allowed for the modification of the project route to accommodate them.
- The 1940s brick fuel tank is located near MacKays Crossing. The Main Alignment has been redesigned to avoid this feature which is considered to be significant in that there are very few of these types of structures left in New Zealand. The tank will be retained, and a designation condition will require regular observation to identify any effects on it during construction. As discussed in the Urban Design and Landscape Framework (**Technical Report 23**), The NZTA is also interested in working together with other public bodies to facilitate public access to the site.

- St Josephs Church is located at the SH58 interchange. Effects on this building will be monitored during construction, and it is already recognised through conditions that the Church's unusual glacier glass windows will need to be protected during construction. The overall setting of the building and the sense of place of surrounds/grounds has also been considered and in the context of Policy 21, this is a key consideration. Again, consideration of the potential for effects on the heritage values of this building, even though it is well outside the alignment, is consistent with the policy direction.

After a detailed site walkover and archaeological review, no other known heritage sites have been identified that will be affected by the Project. Accordingly, the Project is entirely consistent with Objective 15 and Policies 20, 21 and 45.

32.6.1.6 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. The PRPS also acknowledges the importance of healthy ecosystems is central to Maori cultural values. With respect to indigenous ecosystems, the following assessment summary is provided:

- The Project protects ecosystems where practicable, and also seeks to replant and restore habitats that have been lost either through the construction of the Project or through previous activities, in particular:
    - **Technical Report 15** (Assessment of Water Quality Effects) demonstrates that the re-establishment of terrestrial vegetation will (once construction has been completed) improve the quality of freshwater habitats – which is consistent with the Policy 46 direction; and
    - Whilst the Project will contribute to the loss of some areas of terrestrial vegetation, **Technical Report 11** (Ecological Impact Assessment) demonstrates that the Project will also contribute an overall net gain in protected, vegetated areas (which will be revegetated and maintained), and riparian habitats – consistent with the overall Objective 16 of maintaining and restoring ecosystems. These will contribute to a significant improvement in the long term, to terrestrial habitats and freshwater habitats by providing protected areas within which native species will be able to develop.
- Consistent with Policy 22, the field studies were carried out with a consideration of biodiversity values. In one instance (Upper Horokiri), wetland habitats for rare vegetation are provided by the Project in the anticipation of locally sourced examples becoming established. A focus on local sourcing and a diverse range of species for replanting and revegetation areas along the route is consistent with this Policy. The plans in Volume 4 (Plan Set), provide landscaping proposals that maximise the opportunity for use of indigenous plants and where appropriate eco-sourcing of stock (e.g. particularly for wetland and riparian vegetation).

- It is concluded that there is the potential for moderate effects on ecosystems in the short term during construction. In the longer term, however, there will be some minor ongoing adverse effects, and some notable positive effects arising from reinstatement of habitats and replacement with larger areas of habitat to offset effects.

32.6.1.7 Landscape

Chapter 3.7 of the PRPS sets out a framework of objectives and policies for recognising and protecting natural landscapes – with Objective 17 setting the overarching direction of recognising and protecting the values of outstanding natural features landscapes and significant amenity landscapes, along with Policies 24, 25, 26, 27 and 49. **Technical Report 5** (Assessment of Landscape and Visual Effects) provides a detailed assessment of the visual and landscape effects of the Project, and this assessment is summarised in Part G of this AEE. With respect to Landscape considerations, the following assessment summary is provided:

- Policy 24 requires identification of outstanding natural landscapes – which is done through the District plans (in this case, the Kapiti Coast District Plan). **Technical Report 5** identifies one outstanding natural landscape (the foothills of the Tararuas at the northern end of the route), and other amenity landscapes around the Wainui Saddle area and Battle Hill.
- Policy 25 promotes protection of outstanding natural features. It is acknowledged that there will be works within the one feature identified at the northern end of the route. However, **Technical Report 5** concludes that the features and qualities that contribute to this landscape being deemed "outstanding" will be maintained in the long term because the Project traverses the foothills, rather than the steep, rugged countryside that they are notable for. Visual impacts in the more remote parts of the route such as around the Wainui Saddle and the Upper Horokiri and Te Puka Stream valleys are significant (**Technical Report 5**), but are less visible from the public domain. The planting and mitigation proposed will mitigate these effects in the long term, although the Project remains a significant change to that which currently exists.

It is acknowledged that there are visual and landscape impacts of the Project, and this is particularly visible in the environments which are dominated by rural-residential blocks where residential dwellings currently enjoy a "green" outlook. These areas are not outstanding natural landscape areas, but do represent a significant impact (in the short and medium term) – particularly because they will be visible to people. While the planting and mitigation proposed will mitigate these effects in the long term, it is acknowledged (in **Technical Report 5**) that the Project represents a permanent and considerable change to this visual catchment. Managing effects on landscapes is an accepted approach under Policy 49.

In conclusion, whilst it is acknowledged that the Project will have an undeniable effect on the landscape, the policy direction (Policy 49) acknowledges that managing effects is an appropriate response. It is concluded that the proposal will not be inconsistent with the overall policy direction.

32.6.1.8 Natural hazards

One of the NZTA's key objectives for the Project is to improve regional network security by "providing an alternative strategic link" for Wellington. The origin of this objective is the Western Corridor Plan of the RLTS, which pre-dated the PRPS.

This objective is partially to maximize protection from natural hazards (particularly a seismic event), given the location of the current State Highway along an exposed coastline. A significant amount of investigation has been done to identify and plot natural hazards along and/or affected by the Project route. These hazards (identified in the introduction to Chapter 3.8 of HPRPS) include flooding, earthquake and tsunami along with other more localised hazards. **Technical Report 1** (Design Philosophy Statement: Roading Design), **Technical Report 2** (Design Philosophy Statement: Bridges and retaining walls) and **Technical Report 3** (Geotechnical Engineering report) – all detail how these important considerations have influenced and informed the Project's design. The approach of clear identification of hazards, and developing strategies to minimise risk is consistent with the approach of Objectives 18, 19 and 20, which relate to reduction of risks from natural hazards to people and communities, business and property and infrastructure. Having regard to these, the following conclusions are reached:

- Consistent with Policy 50, the Project will reduce the risks and consequences from natural hazards by improving network resilience through providing an alternative transport route into and out of Wellington, thus reducing the risks and consequences to people, communities, businesses, property and infrastructure from natural hazards (Objective 18 and Policies 50 and 51) and the consequences of natural hazards will be reduced (Objective 19); and
- Therefore, the communities of the Wellington Region will be more resilient and resistant to hazards (Objective 20).

It is concluded that this proposal will be entirely consistent with these objectives and policies because it is a forward thinking project that seeks to minimise a key risk to people and communities (i.e. accessibility to Wellington in the event of a seismic event) in advance of it occurring.

32.6.1.9 Regional form, design and function

The PRPS states that this chapter (Chapter 3.9) is about *"the physical arrangement within and between urban and rural communities"*. This chapter acknowledges that the Wellington Region has a strong "corridor" pattern which reinforces local centres, supports passenger transport, reduces energy use and makes services more accessible. It recognises that there are issues with this form, and that freight and commuter movements are focussed along the north-south corridors, increasing congestion on major routes (refer to page 57 and Objective 21). Objective 21 sets out a range of objectives stemming from "*A compact, well designed and sustainable regional form that has an integrated, safe and responsive transport network"*. Having regard to these objectives, the following points are noted:

- In relation to the integrated approach to land use and transportation promoted by Objective 21, the NZTA has, in development of the Project, prepared an Urban Design and Landscape Framework (**Technical Report 23**). This Framework sets out an overall urban design vision and principles, for the Project and the wider surrounding area in which the Project sits, and incorporates aspirations from the Council and community – including objectives around maintaining the viability of local centres (Policy 29) – in particular there will be benefits to coastal communities who will experience less through traffic. Where practicable, the urban design and landscaping proposed for the Project has drawn from the relevant concepts of the Framework to maintain and enhance urban landscape and to contribute to a pleasant environment for users and those resident around the Project area (Policy 32 and 53).
- The Project will improve north-south and east-west linkages for the Wellington Region (Objective 21(i)).
- The Project has been taken into account in the development of some key non-statutory planning studies prepared by the PCC – which have land use and growth policies that respond to the presence of the Project. In the Porirua area in particular, this represents an integrated approach to land use and transport planning (Objective 21(h)) which has anticipated the construction of the Transmission Gully Project as part of its aspirations set out in its future development framework.
- The Project will reduce traffic congestion on the existing SH1, and accommodate significantly improved traffic flows for through traffic including tourism and freight movement on the new route. This is consistent both with the RLTS and the PRPS – and matches the aims of Central Government in the GPS (Policy 57).
- The Project assists in accommodating the Region's growth in a manner consistent with the RPS and its strategic objectives, by improving accessibility and efficiency of the transport network between centres of economic development and growth. This gives effect to the principles of the RMA (Policy 29, 30, 31,55, 56 and 57);
- The Project promotes an integrated approach to land use and transport development (Objective 21(h) and Policy 57) insofar as the Project is recognised in a number of the strategy documents for the Region, and will assist the relevant authorities to fulfil their objectives – as demonstrated in the assessment in Chapter 15. The Project promotes transport efficiency in a way that does not compromise the intrinsic values of the Region's natural resources or the quality of the immediate environment by taking an integrated approach to development of the design and the methods to manage actual and potential adverse effects – particularly those on the natural environment.

In conclusion, consistent with the regional objectives around an integrated approach to development of the transport network, the Project will improve the overall functionality of the network (as demonstrated in **Technical Report 4**) and will not be inconsistent with the overall policy direction in this chapter.

32.6.1.10 Resource management with tangata whenua

Chapter 3.10 focuses on tangata whenua aims of achieving an integrated and holistic approach to managing the Regions' natural and physical resources.

Consistent with Objective 22 which promotes working together and Policy 66 which seeks to enhance involvement of iwi in decision making processes, Ngati Toa has been engaged to prepare a cultural impact assessment for the Project (**Technical Report 18**). In early discussions and meetings held about the project both before and during preparation of technical studies, Ngati Toa indicated particular interest in the effects of the Project on streams and waterways and the coastal environment. The proposal is therefore entirely consistent with Objective 22 and Policy 66. This early engagement also respects the principles of the Treaty (Objective 23 and Policy 47).

This is discussed further in relation to the assessment of the more Region-specific objectives and policies under the RFWP, and concludes that Ngati Toa is supportive of the approach to avoiding, remedying and mitigating actual and potential effects on the natural environment (including by offsetting). In particular, the approach allows for Ngati Toa to continue to act as kaitiaki of these resources (Objective 24 and Policy 48), and promote an improved approach to management (by all parties) of these resources in future. The potential for offsetting mitigation to improve habitat in upstream catchments that drain to the Porirua Harbour has been indicated as being of particular interest to Ngati Toa. Retiring and revegetating large areas of upstream catchments is seen a key opportunity arising from this Project to restore and enhance the mauri of streams and habitats (Objective 25 and Policy 48). Opportunities to enhance access to waterways is also seen by Ngati Toa as an important benefit of the Project (Objective 27 and Policy 48).

The effect of the Project on the Porirua Harbour is of particular interest to Ngati Toa, with one key reason being the identification of mahinga kai (historic food gathering areas) in the area (Objective 26 and Policy 48), along with the effects on overall mauri. A significant amount of work has been done in the preparation of this application documentation, to better understand the behaviour of the hydrological processes within the Harbour, and therefore the effect of any sediment from the Project on habitats. This body of work not only contributes to a better understanding of the effects of the Project, but also to better enabling iwi, the applicants and other parties to contribute to managing the future of the Harbour.

32.6.1.11 Soil and minerals

The PRPS acknowledges (in Issue 3) that highly productive agricultural land is under threat from development, including the construction of roads. Further, accelerated soil erosion is another key issue (Issue 1) that is relevant to the Project. Objective 28 promotes land management practices that do not accelerate soil erosion and Objective 29 promotes maintaining the desirable characteristics of soils that enable them to have an ecosystem function. Having regard to these objectives, the following points are noted:

- As discussed above, the streams in the catchments affected by the Project are affected by high sediment levels currently, as a result of natural land runoff and more recently from modification for urban and rural land uses. In the long term, the Ecological Impact Assessment, demonstrates that the Project will not make any significant contribution to the continued degradation of streams (Policy 40). In fact, the Project will make some important enhancements and have a positive effect in many instances by assisting to reduce soil erosion (Policy 14 and 68). Although the Project will generate sediment during construction, there will be improvements to erosion problems in the long term resulting from land retirement, revegetation and planting in upstream catchments.
- It is acknowledged that the Project will affect the usability of some pastoral farming areas (i.e. productive agricultural land) within the alignment (Policy 59) and use (i.e. occupy) some areas of current farmland. The Project also promotes the retirement of some areas formerly used for pastoral farmland as offset mitigation for the effects of the Project (particularly in relation to effects on watercourses). However, it is considered that the Project will not be inconsistent with the overall approach to soils management given that the overarching objective is to minimise soils loss.

32.7 Wellington Regional Policy Statement 1995

As stated above, the Proposed Regional Policy Statement is considered to carry greater weight than the RPS. This is because the PRPS has been through the public notification and submissions process, hearings have been held and decisions released. The PRPS is currently in the final stage where appeals are being decided. Regardless, the RPS contains similar themes and topic areas, and the above assessment is considered to cover these issues well.

32.8 Regional Freshwater Plan for the Wellington Region 1999

Chapter 4 of this AEE provides further commentary on the status of this Plan and various matters contained within this Plan. The RFWP contains objectives and policies that apply to those activities requiring regional consents under sections 13, 14 and 15 of the RMA. A number of consents are required under this Plan for the Project, relating to uses of the beds of waterways, the taking, use and diversion of water (including surface water, and reclamation) (as set out in Chapter 3 of this AEE).

This Section includes an assessment of the proposed works against all the relevant objectives and policies. Matters from the RFWP which are, of relevance to the Project are also summarised in Chapter 4 of this AEE and set out in **Technical Report 21** (Statutory Provisions Report). Whilst the following assessment makes specific reference to some provisions of the Plan by name/number, regard has been had to all the relevant provisions of the Plan.

Key Issues for the Region are set out in Chapter 2 of the RFWP as: The relationship of tangata whenua with fresh water; natural and amenity values and access; flood mitigation; use and development; water quality and discharges to fresh water; water quantity and the taking, use, damming or diversion of fresh water; use of the beds of rivers and lakes and development on the floodplain.

The objectives and policies are then set out in chapters according to their accompanying rules: Chapter 4 - General Objectives & Policies; Chapter 5 - water quality and discharges to fresh water; Chapter 6 - water quantity and Chapter 7 - use of the beds of rivers and lakes and development on the floodplain. Chapters 5, 6 and 7 contain the objectives, policies and rules that address specific uses and development of water bodies and river and lake beds.

It is noted that many of the objective and policy matters identified in the RFWP are consistent with and reflect those identified in the NZCPS and Regional Policy Statements. In such cases, the assessment of objectives and policies has also been discussed and responded to in the relevant sections above.

32.8.1 Request by the NZTA for a change to the Regional Freshwater Plan

The NZTA has instigated a Plan Change to the RFWP:

> *The NZTA's objective for the Plan Change is to allow greater flexibility for implementation of the Transmission Gully Project in a manner that is environmentally appropriate in the circumstances. The Plan Change does not propose a fundamental review of the Objectives, Policies and Rules of the Freshwater Plan. The proposed Plan Change would not alter the objectives or rules of the Freshwater Plan, but rather would modify the policy framework to give the NZTA more options for implementing the Transmission Gully Project in a way which is consistent with the objectives of the Freshwater Plan and the purposes and principles of the RMA* (taken from clause 1.2 of the Plan Change request).

The Plan Change seeks to provide better clarity in relation to the process for avoiding, remedying, mitigating effects (including by offsetting) as they relate to the streams potentially affected by the Project and makes particular reference to Clause 4.2.10 and proposes a new Clause 4.2.33A. Policy 4.2.10 of the RFWP is referred to throughout the Plan rules for non-complying activities and is therefore particularly relevant to any assessment against the provisions of the Plan. Policy 4.2.10 uses the term "avoid" rather than also recognising scope to remedy or mitigate. The explanation to the Policy provides further guidance as to why this approach has been used.

The Plan Change is a tool to manage consenting risks for the NZTA and has been initiated as a Private Plan Change by the NZTA. The Plan Change is designed so that it will apply to the Project only; it will apply to the eight catchments affected by the Project only; NZTA will be supported in its approach of designing effects avoidance, remediation, mitigation (including offsetting) in a way which responds to the actual values being affected (rather than being constrained by the wording of provisions in planning documents). In short, the Plan Change will enable the decision making on methods to manage environmental effects to be driven by the "actual and potential effects" of the activities.

Because the regional consents for the NZTA proposal are bundled as a non-complying activity overall, the tests of Section 104D must be applied (refer to the discussion about bundling above). The nature of some of the actual and potential effects on the environment are likely to be more than minor, and therefore the assessment of the proposal against the relevant objectives and policies of the Plan is critical to the applications. A key tenet of the Project is the ability to avoid, remedy, mitigate actual and potential adverse effects on the environment (including through offsetting). The Plan Change seeks to better clarify the ability to use this approach.

If the BoI accept the Plan Change, it will not become operative until the BoI has released its final decision on the Request and the decision has been implemented by GWRC (in accordance with section 149W). While the Plan Change is technically relevant now as a proposed plan change under Sections 104 and 171 arguably, it should not be given much weight as it is at an early stage of the process and is a privately promoted initiative by the NZTA[165].

It would be very unusual for a major roading project to have less than minor adverse effects on the environment. Whilst this is balanced with significant positive social, economic and environmental effects, the challenge is always to minimise the adverse effects as much as possible, whilst acknowledging that some mitigation will likely be needed. Thus, the policy framework is important for large projects which often incorporate non-complying components which need to pass the section 104D threshold.

The NZTA Project is a non-complying activity (using the bundling principles set out above) and therefore needs consideration under Section 104D.

32.8.2 General objectives and policies

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 fresh water),
- 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),
- Objectives 4.1.11-4.1.17 and policies 4.2.23-4.3.38 (Use and development).

These topic areas are assessed as follows.

165. At the time of writing, being 3 August 2011.

32.8.3 The relationship of tangata whenua with fresh water

Objectives 4.1.1- 4.1.3 and Policies 4.2.1- 4.2.8

- Having regard to the relevant objectives and policies, it is concluded that the kaitiakitanga of tangata whenua has been recognised in seeking specific a cultural heritage statement from iwi who have mana whenua in the Project area. 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 Maori of rangatiratanga over their resources and taonga in particular). Ngati Toa, in the preparation of their cultural heritage assessment, has confirmed that their iwi's key driver is maintaining and enhancing the quality of the environment, particularly in relation to the quality of terrestrial flora and fauna, streams and watercourses and the marine environment (Objective 4.1.1. and 4.1.3; Policy 4.2.1, 4.2.2 and 4.2.6).
- The mauri of water in a number of streams has been adversely affected over time through changing land use patterns and modifications to water courses. The Project, through mitigation and offsetting when considered as a package of measures applied across the whole Project route, allows for the improvement of freshwater habitats overall. This is entirely consistent with the objective of protecting the mauri of waterbodies (Objective 4.1.2 and Policy 4.2.3).
- The ethic of stewardship and the principles of the Treaty have been recognised in engagement with and participation of both tangata whenua and the wider community with respect to environmental and natural heritage issue, including groups associated with the maintenance and enhancement of the Porirua Harbour and residents who have specific interest in and expressed stewardship of these natural resources. Consistent with the aim of taking into account the principles of the Treaty in the management of freshwater resources, the Project technical studies have enhanced understanding (both for tangata whenua and others) of the natural processes associated with freshwater resources, and the wider effects of land uses on both freshwater and ultimately, the Porirua Harbour. This has allowed for a cooperative approach to developing measures to manage effects and is consistent with the aims of the Treaty (Objective 4.1.3; Policy 4.2.4 and 4.2.5).
- Ongoing involvement with tangata whenua will be a part of the implementation, maintenance and operation of the Project (Policy 4.2.7) – along with providing opportunities for improved access (including general public access) to waterways as part of the construction of the Project.

Overall, it is concluded that the project will allow tangata whenua to maintain and enhance their relationship with freshwater.

32.8.4 Natural values

Objectives 4.1.4- 4.1.6 and policies 4.2.9- 4.2.14

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 Regional Coastal Plan and the Regional Freshwater Plan both in relation to the coastal environment and freshwater features.

Policy 4.2.10 is one of many policies that are relevant to the Project. It has been specifically identified through the Plan Change process as being particularly relevant because it relates to avoiding adverse effects on listed streams (primarily from reclamations) as set out in Appendix 2 of the Plan. Policy 4.2.10 cross-references to Rule 50 of the Regional Plan which classes reclamation of those streams listed as a non-complying activity. This is the rule that gives the overall non-complying activity status of the NZTA bundle of applications. Policy 4.2.10 also cross references to other rules in the Plan, and these all relate to natural values of watercourses (including wetlands). Policy 4.2.10 is also accompanied by an explanation which is useful to enhance understanding of the intended direction of the Policy. As discussed above (introduction to this section) Policy 4.2.10 seeks to avoid more than minor adverse effects, and does not make reference to remedy, mitigate (including offsetting) effects in relation to protection of the natural character of wetlands, lakes and rivers.

As discussed above, the Proposed Plan Change seeks to provide more certainty around the approach to assessing applications for non-complying activities allowing for and clarifying the approach to avoiding first then remedying, mitigating (including offsetting) in the context of applications for non-complying activities associated with the Transmission Gully Project.

Policy 4.2.10 is specifically about protection of natural character from the adverse effects of subdivision, use and development. There is no specific definition in the Act of “natural character”. For the purposes of this assessment, it is considered that natural features, physical and biological processes, and the more intangible natural values that we appreciate about the natural environment, should be included in a consideration of protection of natural character.

Because of the policy direction set out by Policy 4.2.10, particular regard has been had to the natural character and natural values of the streams affected by the Project. Detailed assessments have been made about water quality, habitat quality, flora and fauna present, and the visual quality of all streams affected by the alignment. Of note in this context, is that there are other streams that are not listed in Appendix 2 that also exhibit a high degree of natural character when considered from an ecological, hydrological and visual perspectives. The policy direction appears to promote a higher level of consideration being given to protecting the natural character of the listed streams. However, this would not necessarily achieve the best environmental outcome, with some streams being effectively treated differently to others regardless of their quality.

Whilst this policy direction promotes avoiding effects on the listed Appendix 2 streams over and above all the others, the same regime has been applied across the whole alignment. This approach was decided upon early in the process of developing the environmental and engineering assessments for the Project.

The RFWP has objectives and policies with more specific regional direction, and the following assessment summary is provided:

- A key driver in developing the design has been to avoid adverse effects on streams wherever possible. After that, the aim is to minimise effects and then to either remedy or mitigate (including by offsetting). The Ecological Impact Assessment concludes that modification of freshwater resources (such as streams and wetlands) and offsetting the effects of modification does not necessarily result in an ongoing adverse effect on natural character (Objective 4.1.4). Conversely, the reinstatement of freshwater features through reconstruction elsewhere, revegetation, riparian planting and other measures to manage effects, can in fact lead to a positive overall effect and an improvement of the life supporting capacity of water and aquatic ecosystems (Objective 4.1.5 and 4.1.7).
- Consideration of effects on a case by case basis along the route allows for identification of important or significant natural features and protection of these where practicable (Objective 4.1.6). Early site work has allowed for identification of significant ecological features, and consideration of alternative designs has achieved a better ecological outcome overall (in comparison to the existing designated routes) – refer to the Ecological Impact Assessment. Refinements have resulted in a substantial decrease in the length of stream that is affected and the scale and intensity of effects. Further refinements have also been made with the development of indicative construction methodology for some of the more difficult parts of the alignment (refer to the SSEMPs in Volume 5).
- There will still be some adverse effects on the Appendix 2 streams in the short term during construction, and immediately post-construction whilst the streams are settling into the new environment (Policy 4.2.10). **Technical Report 11** (Ecological Impact Assessment) assesses the magnitude and significance of these impacts and then determines the measures required to manage these effects to an acceptable level (Objective 4.1.4 and 4.1.7). The report concludes that there will be an overall improvement in stream water quality resulting from upstream retirement, revegetation and native planting, particularly in the upper catchments of the Hororkiri and Pauatahanui Streams, and through riparian planting and restoration of stream margins, thus improving instream habitat (Objective 4.1.4).
- The use of an integrated engineering and environmental team comprising a wide range of technical specialists has enabled a continuing refinement of the Project design and the approach to avoiding adverse effects on the environment. As set out in Chapter 9 (Assessment of Alternatives) the option of avoiding undertaking any physical works within any of the Appendix 2 streams altogether has been considered, but discarded as an option. It would be very difficult to design a route that did not require any works in these streams, and such a design would not be the best practicable option and would be unlikely to achieve the best environmental outcome in any case.

The interpretation that the Project may be contrary to Policy 4.2.10 is acknowledged. This is a key reason for the NZTA pursuing the Plan Change. The intent of Policy 4.2.10 is considered to be met for the following reasons:

- In the short term at the conclusion of the construction of the Project, mitigation for the loss of riparian and instream habitat will be provided using the approach of considering the overall length of stream affected along the full alignment of the Project, with an aim to firstly replace like with like where possible within the same catchment, and secondly as close as possible to the source of the effect.
- The Project design and technical assessments have taken the approach of assessing the quality of all streams along the alignment with equal care and attention, rather than applying a special approach to the Appendix 2 streams. As concluded in the Ecological Impact Assessment, some of the streams within the Project alignment are not listed, yet still have natural features that are considered significant, and in some cases similar to or better than listed streams.
- Whilst there will be some adverse effects on these streams, including loss of overall stream length, in the long term there will be an improvement in water quality, and in the quality of instream and riparian habitats.

In short, **Technical Report 11** concludes that the Project and its associated works in relation to waterways and freshwater aquatic ecology can be achieved without long term loss to values and quantity. Further, the mitigation proposed will cause a net gain in those values post construction which will secure a long term environmental enhancement of these habitats for the Region (Policy 4.2.9 and 4.2.11).

- The research and assessments carried out for this Project also make a significant contribution to regional knowledge enabling better maintenance and enhancement of freshwater resources both by the applicant and by others (Policy 4.2.9 and 4.2.12). This knowledge and science can be fed directly into and assist in the management of adjoining areas managed by other agencies:
    - In addition to these environmental outcomes, this Project has also involved a range of ecological investigations that will add a significant body of new information to the public arena in relation to these important streams and watercourses, and to knowledge about how they affect the Porirua Harbour. This is considered (with reference to **Technical Report 11** (Ecological Impact Assessment) to be an important public resource in terms of increasing local and regional conservation knowledge.
    - There is also the potential to introduce new and innovative methods around stream diversions and rehabilitation.
    - There is now a substantially better understanding of the actual and potential effects of sediment (in particular) on the Porirua Harbour, and how it behaves in that marine environment.

Overall, it is concluded that the Project will have some adverse effects on streams that cannot be avoided, but that will be remedied and mitigated across the full alignment resulting in a benefit overall.

32.8.5 Amenity values and access

Objectives 4.1.7 and 4.1.8 and Policies 4.2.15- 4.2.17

Along with natural character, maintaining and enhancing access to lakes and rivers (and the coast) is a matter of national importance under Section 6(d) of the Act and is consequently given a high status in the relevant planning documents including the RFWP. Section 7(c) of the Act requires particular regard to maintaining and enhancing amenity values and this is also discussed to be of importance in the context of assessment against Part 2.

Having regard to these objectives and policies the following assessment is made:

- The Project will provide for more direct public access to key streams and waterways by opening up opportunities for walking, cycling and horse riding. This includes through the two Regional Parks – BHFFP and Belmont – where existing tracks will be enhanced, and opportunities to pass under the alignment through underpasses, will be available at convenient locations. The NZTA proposal will significantly enhance the amount of access available, and this will be entirely consistent with the policy direction of maintaining and enhancing access (Objective 4.1.7 and 4.1.8). In addition, the NZTA is likely to provide more land within the wider stream catchments available for public access in connection with revegetation and protection of land as part of mitigation of effects.
- Whilst there will be some limitations on public access to the margins of streams during construction for public safety reasons, alternative routes for recreational users will be made available and well signposted. Regardless of this, the overall end result will be a substantial improvement in access to streams and their margins in the long term (Objective 4.1.7 and 4.1.8).
- The existing overgrown wetland area at the top (eastern side) of Lanes Flat will be visually and ecologically improved with new wetland planting and extension of the wetland into the whole of Lanes Flat. New native wetland vegetation planting will provide amenity benefits, ecological mitigation, and water quality benefits (Objective 4.1.7 and Policy 4.2.16).
- New accesses through the regional parks and through new land acquired by the NZTA will also be made available. Whilst there will be some land severance caused by the Project, there are alternative access routes proposed for the public. It is considered that this will be consistent with the objectives of the Plan (Objective 4.1.8;Policy 4.2.16 and 4.2.17) which include maintaining, and where possible enhancing, public access.

Overall, it is concluded that the proposal will be consistent with these objectives and policies, and that whilst there will be modification to existing accesses, that amenity values and overall accessibility to watercourses will be substantially enhanced by the Project.

32.8.6 Flood mitigation

Objectives 4.1.9 and 4.1.10 and Policies 4.2.18- 4.2.22

The objectives and policies are concerned with health and safety of the public and the effects of flooding both on natural and physical resources including people's property. Having regard to these policies the following assessment is made:

- There are some instances where the Project will alter flood levels on privately owned properties, and will increase the potential for flood inundation in an extreme weather event. The owners of all these properties have been consulted, and options to manage flooding have been discussed. However, whilst there will be minor increases in flood levels in an extreme event, the overland flow paths that will be provided by the Project design means that the flood flows perform better, draining more efficiently. Consistent with Policy 4.2.18 and 4.2.20, studies have improved understanding of the behaviour of flood flows and the potential for adverse effects from flood events.
- Overall, this is considered to be an improvement and will be consistent with the policy direction which is to manage effects on both natural and physical resources and this is consistent with Objective 4.1.9 and 4.1.10 which promote management of flood effects to an acceptable level.

32.8.7 Use and development

Objectives 4.1.11- 4.1.17 and policies 4.2.23- 4.3.38

The fresh water use and development objectives and policies are focused on managing access to fresh water, including recognizing the rights of lawful users, and encourage activities that enhance fresh water resources. Having regard to these objectives and policies, the following assessment is made:

- With respect to lawful water users (Objective 4.1.14 and Policy 4.2.29):
    - The NZTA has worked with the GWRC to understand their water use needs in relation to the Regional water supply, and during construction will continue to manage the continuity of quality and supply.
    - The water bore at MacKays Crossing will be relocated as part of the enabling works for the Project as its current location is within the road alignment. Again, continuity of quality and supply will be managed.
- Objectives 4.1.12 and 4.1.13, and Policy 4.2.23 are particularly relevant insofar as it encourages activities that enhance freshwater resources. As discussed in **Technical Report 11** (Ecological Impact Assessment), the Project will have some adverse effects on water quality during construction, but post-construction there will be some notable benefits resulting from better upstream land management practices. Further, and consistent with Policy 4.2.27, there have been opportunities identified along the route to enable the restoration and rehabilitation of degraded water resources along the alignment – through riparian planting, removal of perched culverts, and revegetation and protection of land within the catchments surrounding key streams.

- Water access of land owners will be provided as appropriate by the NZTA, and this is consistent with the relevant objectives and policies (Objective 4.1.14).
- Consistent with Objective 4.1.7, conditions are proposed as the best means by which to manage adverse effects during construction. 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 Act. Policy 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. The approach to developing conditions and the methods to be used – particularly for controlling the effects of earthworks – are set out in Part H of this AEE. It is concluded that the suite of conditions proposed by both the PCC and the NZTA are entirely consistent with these objectives and policies. The guidance of the GWRC has also been sought insofar as their database of conditions is useful as a starting point for developing a robust set of conditions that are easy to implement, monitor and check for compliance later (Policy 4.2.37).
- 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. The explanation states that this policy is to set guidelines for those activities that have no more than minor adverse effects. It is acknowledged that this Project will have some more than minor adverse effects, and therefore this Policy is not strictly relevant.

The Plan Change also seeks to add a new provision – Policy 4.2.33A – which will be the primary provision in relation to the statutory planning assessment for the Transmission Gully Project if the Plan Change is successful. This Policy includes avoidance, remediation, mitigation (including by offsetting) of adverse effects. Because this Policy has been written specifically for the Project, the Project will be consistent in its approach to providing a suite of measures to manage effects.

32.8.8 Water quality and discharges to fresh water

Objectives 5.1.1., 5.1.2 and 5.1.3 and the related policies relate directly to water quality and are consistent with the higher level themes in the PRPS and RMA. Having regard to these policies the following assessment is made:

- The Project design has sought to maintain and, in some cases, enhance water quality discharged to the coastal receiving waters of the Porirua Harbour. In particular, and whilst there will be some adverse effects on water quality during construction, there will be a long term neutral effect on water quality discharged to the Harbour as a result of upstream land retirement, revegetation and native planting – particularly in the Horokiri and Pauatahanui stream upper reaches (using the SEV methodology). This is an important benefit of the Project in the long term and is demonstrated in **Technical Report 11** (Ecological Impact Assessment) (Objective 5.1.1 and 5.1.2; Policy 5.2.1).
- The Project design for stormwater treatment and stormwater management includes a level of stormwater treatment that will result in no notable adverse effects on water quality in the long term. In some instances, and as demonstrated in **Technical Report 15** (Assessment of Water Quality Effects), water quality will improve because existing levels of sediment runoff from land will be better managed (Objective 5.1.2 and Policy 5.2.6).

- The proposed restoration and rehabilitation of the upper reaches of Duck Creek through the removal and replacement of perched culverts as offsetting mitigation will have a significant positive impact on the ecological quality of Duck Creek as new areas of habitat will be opened to fish species (Objective 5.1.2 and Policy 5.2.6) enabling better management of this freshwater resource for future generations.
- The discharge of water from the permanent operation of the road – through general surface run off, washing and maintenance – will be carried out in a way that appropriately manages the quality of the discharges (Objective 5.1.2). This is demonstrated in **Technical Report 15** (Assessment of Water Quality Effects) which has regard to the standards set out in the RFWP for stormwater discharges (Policy 5.2.14).
- As discussed above, Ngati Toa has advised that better management (i.e. improvement) of water quality is a key issue for tangata whenua and maintenance and in some cases enhancement of water quality, is consistent with this (Objective 5.1.3).
- Given that there will be some adverse construction effects on water quality, Policy 5.2.10 is relevant. 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). It is considered that this Project would meet these because the construction works will be temporary in nature, and because the Project is unusual and exceptional, being part of a proposal of national significance and being a RoNs.

32.8.9 Water quantity

The water quantity objectives and policies in Chapter 6 of the RFWP relate to taking, use, damming or diversion of fresh water and managing water abstraction and water takes, along with protecting lawful water users. As discussed above (under Chapter 4 General objectives and policies):

- The Project involves the diversion of water courses, as discussed extensively throughout this report and above in relation to Part 4 of the RFWP (in particular). As discussed above, it is considered that the natural and amenity values of streams can be managed in the short to medium term, and improved in the longer term (Objective 6.1.1 and Policy 6.2.2).
- Policy 6.2.15 provides specifically for the concept of offsetting which is promoted by the NZTA's Plan Change (Clause (2)). This Policy provides for the damming or diversion of water in any river, lake or wetland provided that adverse effects are avoided, remedied or mitigated. As discussed above, there has been extensive consideration throughout this report of methods to avoid, remedy and mitigate (including by offsetting) the adverse effects arising from the diversion of the streams along the alignment. Unlike Policy 4.2.10, this Policy does not differentiate between listed streams and other streams, and therefore the balanced approach to seeking effects management opportunities along the whole alignment is entirely consistent with this Policy.
- The NZTA has worked with the GWRC and the owners of the Paekakariki water supply bore to manage the continuity of supply and the relocation of the bore will be undertaken by the NZTA. Alternative options for other lawful water supplies affected by the Project (though none have been identified at this stage) will be managed on a case by case basis with each lawful user (Objective 6.1.2).

- Consistent with Policy 6.2.16, actively diverting water between catchments is not proposed as part of this Project in consideration of tikanga Maori.
- The effects of the Project on groundwater are considered to be negligible as demonstrated in **Technical Report 3** (Geotechnical Report).

Overall, it is considered that the Project will be consistent with the Water Quantity objectives and policies.

32.8.10 Use of the beds of rivers and lakes and development on the floodplain

Chapter 7 of the RFWP is particularly concerned with appropriate uses 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 recognized, and this Project will not affect any flood mitigation works. Policy 7.2.1 is particularly relevant because it seeks to allow for particular uses within river and lake beds when adverse effects can be avoided, remedied or mitigated (with reference to Policy 7.2.2), and those listed particular uses include[166]:

- 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 enhancement of the natural character of any wetland, lake or river and its margins.

Having regard to these objectives and policies the following assessment is made:

- The use of an integrated engineering and environmental team comprising a wide range of technical specialists has enabled a continuing refinement of the project design and the approach to avoiding 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 in Policy 7.2.2 are avoided. Having regard to Policy 7.2.1, "*structures for transportation and network utility purposes*" (bullet point 2) are specifically anticipated. Taking a broad view of the definition of structures to include reclamations (which are not specifically defined either in the Plan or in the Act), it is considered that the activities that form part of the Project all fall broadly within this category. In addition, "*the enhancement of the natural character of any wetland, lake or river and its margins*" is also provided for (bullet point 9) – and in this case, it is considered that the Project will achieve this in some instances.

166. It is noted that there may be a change in emphasis – with Proposed Plan Change Policy 4.2.33A being the dominant provision if the Plan Change is confirmed.

- Policy 7.2.2 seeks to not allow the use of rivers and lake beds that have significant adverse effects on eight listed matters. The Ecological Impact Assessment concludes that there will be more than minor short term adverse effects on natural and amenity values (bullet point 2) and water quality (bullet point 6) in the short term, turning to neutral or positive effects in the long term, and the report does not conclude that adverse effects are significant in the longer term, and/or unable to be appropriately managed. It is therefore considered that the proposal will be consistent with Policies 7.2.1 and 7.2.2 2 (but the possibility of an alternative interpretation is acknowledged).
- Overall, whilst there will be some adverse effects on the beds of streams, including loss of overall stream length, in the long term there will be an improvement in water quality, and in the quality of instream habitats. This meets the intent of the high level policy direction set in the Act which requires recognising and providing for the preservation of natural character, and maintenance and enhancement of amenity values (Part 2, Section 6(a) and 7(c) and (f)).)).
- There are instances where works are carried out affecting known floodplains – Horokiri Stream and SH58 at Lanes Flat (Objective 7.1.2). Policy 7.2.3 promotes no new uses within floodplains that would significantly increase risk to human life, health and safety. The Project is consistent with this Policy for the reasons outlined in the Hydrology chapter of Part G and in the Assessment of Hydrological and Stormwater Effects (**Technical Report 14**).

32.9 Regional Air Quality Management Plan for the Wellington Region 2000

The RAQMP sets out objectives and policies for managing discharges to air. While transport is recognised as a source of contaminant discharge to air, there are no rules in the RAQMP that relate to this. However, the Project does seek resource consents for discharge to air for construction activities – specifically from a concrete batching plant and from mobile rock crushing activities.

Relevant objectives and policies include Objective 4.1.1 and 4.1.2 and Policies 4.2.1, 4.2.2, 4.2.3 4.2.4, 4.2.5, 4.2.6, 4.2.7,4.2.8. 4.2.9, 4.2.10. 4.2.11, 4.2.12, 4.2.13, 4.2.15, 4.2.22, 4.2.23, and 4.2.25.

The RAQMP also provides further specific management direction and the relevant objectives and policies for the Project, discussed below.

32.9.1 Assessment

Consent is required for the concrete batching plant and rock crushing as a discretionary activity, and therefore requires consideration under Section 104. In addition to this, it is also relevant to consider wider air quality effects in the context of the Project. In this assessment, the following matters have been considered, consistent with the planning direction in the objectives and policies:

- Overall, the air quality in the Wellington Region is considered to be good. Existing air quality is a key consideration under Objective 4.1.1 with a focus on maintaining and protecting high air quality and no significant deterioration in overall air quality. The Assessment of Air Quality Effects (**Technical Report 13**) has regard to the ambient air quality guidelines (Policy 4.2.1 and 4.2.2) considering how the Project will affect regional air quality.

- While the RAQMP does not control the effects of vehicle emissions, Policy 4.2.23 "*aims to deal with the effects of motor vehicle emissions through transport planning mechanisms*" (explanation to Policy). Alternatives to roads are promoted, as are measures that reduce congestion. **Technical Report 13** demonstrates that the Project will have an overall beneficial impact on air quality by reducing congestion particularly for coastal communities, and for the Region as a whole, which is entirely consistent with both Objective 4.1.1 and 4.1.2.
- The amenity levels of areas based on the nature of surrounding land uses have been considered in the evaluation of air quality impacts and in the development of mitigation planning (for addressing construction effects) which is consistent with Policy 4.2.5. In particular, while it is acknowledged that the proposed concrete batching plant has potential to generate adverse air quality impacts, it is considered that these effects can be managed through mitigation and that the benefits of undertaking the activity within the construction site (particularly for the safe and efficient construction of the major bridges and interchanges) warrants its inclusion in the construction designation footprint (as the best practicable option for overall effects on the environment);
- In determining the location and extent of the construction yards, and the location of particular construction activities (e.g. sediment generating activities and the concrete batching plant) consideration has been given to appropriate separation distances between these activities and adjoining land uses (e.g. such as residential dwellings and Transpower assets, substation and lines) in line with Policy 4.2.6 and 4.2.7.
- Construction activities can be managed to avoid noxious, dangerous, offensive or objectionable emissions and mitigation measures proposed reflect this (the mitigation measures proposed are set out in Part G of this AEE). This overall approach is consistent with Policy 4.2.5 which seeks to minimise emissions at their source – a key approach to managing air quality amenity effects from construction (dust for example).

In conclusion, an improvement in local air quality in particular locations will allow for people and communities to provide for their social, economic and cultural well-being and for their health and safety (Objective 4.1.2), while there will be negligible adverse effects on air quality in the Region as a whole.

32.10 Regional Coastal Plan for the Wellington Region 2000

There are no activities proposed to be undertaken within the Coastal Marine Area, and no resource consents are required for works in the Coastal Marine Area. As such, it is only in the sense that the Project , may result in adverse effects on the coastal environment of the Pauatahanui Inlet, as a result of run off from the land that flows to the coast, that the RCP's objectives and policies have any particular relevance.

For the most part the objectives and policies are directed at managing activities within the Coastal Marine Area, and in particular those that require approvals under Section 12 of the RMA. As a result, many are not directly relevant to this Project. The most relevant are considered to be the general objectives and policies in Clause 4.1 and 4.2, and Discharges to Land and Water in Clause 10.1 and 10.2. Section 4 of the Plan follows similar themes to the RFWP and reference is made to the detail in those assessments. In this regard, the proposal is considered to be consistent with the objectives and policies in Section 4.

Section 10 of the Plan relates to the discharge of contaminants to coastal water, water in the lower reaches of rivers within the coastal marine area, and land in the coastal marine area. It is not technically relevant to the Project, but regard has been had to the relevant objectives and policies. These are concerned with managing and enhancing coastal water quality with particular regard given in the policies which relate to shellfish gathering (Policy 10.2.1), contact recreation (Policy 10.2.2), improving the adverse effects from land-based discharges (Policies 10.2.10, 10.2.12), and tangata whenua interests (Policy 10.2.11). The assessments in this AEE confirm that the Project will meet the relevant objectives and policies because:

- There will be no notable adverse effects on water quality discharged to the Coastal Marine Area in the long term as a result of retirement of land, revegetation and native planting in the upper catchments of, primarily, the Pauatahanui and Horokiri Streams.
- There is only a low probability of an adverse effect on shellfish in the Porirua Harbour as a result of sediment deposition. This requires an unusual combination of factors to occur at once which is unlikely. Given this low probability, it is concluded that the proposal will not be inconsistent with this Policy.

Further detail is provided in the assessments against provisions in the RFWP which are more directly relevant to water quality issues.

32.11 Wellington Regional Plan for Discharges to Land 1999

The Discharges to Land Plan is relevant as the Project proposes to discharge contaminants (sediment) into water or onto land. The proposal has been assessed against all the objectives and policies in the Plan, and Policies 4.2.21, 4.2.22, 4.2.24, 4.2.41 and 4.2.48 are particularly relevant.

32.11.1 Assessment

The Plan focuses both on contamination from land uses such as landfills, hazardous substances, agriculture and horticulture, as well as contamination from, for example, the ongoing operation and maintenance of stormwater management devices. The latter is most relevant to this Project, although there are some known contaminated sites affected by this Project. Given this, Objectives 4.1.5 (in relation to discharge of sediment), 4.1.7 and 4.1.8 (both in relation to known contaminated sites) are of most relevance. Having regard to these objectives and the related relevant policies the following assessment is made:

- A thorough review of the potential for contamination to be found on the site has been undertaken, and this is consistent with the approach promoted in Policy 4.2.43. In the discrete and limited areas that have been identified as having potential for contamination, further intrusive ground investigations will be undertaken prior to the commencement of construction in those areas in order to accurately address and determine actual and potential contamination effects. This flexible approach, which allows tailoring the solution to the specifics of the situation, is entirely consistent with the approach in the Plan (Policy 4.2.25, 4.2.26 and 4.2.28).
- Further to this, the concept of the use of management plans as a method to manage effects, is specifically acknowledged in Policy 4.2.34 – and

- The only sites where special measures (in relation to contamination – with reference to Objectives 4.1.7 and 4.1.8) will need to be undertaken are in relation to:
    - The Porirua Gun Club where there are high levels of contamination. Specialist measures will be used in this case for management of earthworks and disposal of contamination; and
    - MacKays Crossing where there is the potential for discovery of unexploded ordinances (UXO).
- Standard measures to handle these 'higher' risk areas are available.
- The maintenance and operation of stormwater ponds is a permitted activity as demonstrated in the Assessment of Water Quality Effects (**Technical Report 15**). However it is relevant to have regard to Policy 4.2.21 which is to give particular consideration to the effects of discharges to land. Overall, it is concluded that there will be no more than minor effects on the environment as a result of ongoing discharges to land – so long as stormwater management devices are well maintained.

32.12 Regional Soil Plan for the Wellington Region 2000

The RSP manages land disturbing activities in the Region to maintain the quality of receiving water. Consents are sought for the Project under this Plan, relating to earthworks and land disturbance (as set out in Chapter 1 of this AEE). This Section includes an assessment of these proposed works against the relevant objectives and policies for these consents. It is noted that many of the objective and policy matters identified in the RSP are consistent with, overlap with, and reflect those identified in the NZCPS, Regional Policy Statements and RFWP.

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

The following assessments are made.

32.12.1 Assessment

The Project has prepared Sediment and Erosion Control guidelines (see **Technical Report 15** - Assessment of Water Quality Effects; and the Site Specific Environmental Management Plans), which identify specific management measures proposed to reduce the risk of surface erosion during construction (which could result in sediment generation). 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. The Project is entirely consistent with this approach, and a flexible conditions framework involving use of management plans and performance standards to promote this approach during construction. For example:

- Minimising the footprint of works overall;
- Stabilisation or covering of sediment stock piles and use of geotextiles to stabilise exposed surfaces of the Project;
- Management of vegetation removal and early revegetation of areas to stabilise as construction progresses;
- Construction activities will be managed so that the proportion of the overall construction area, and that open in particular catchments at any one time, is minimized; and
- All water run-off from within construction areas is treated prior to discharge.

Objective 4.1.4 and Policy 4.2.6 of the Plan seek to ensure that information is provided so that effects can be accurately assessed. As discussed above, the background research and technical studies conducted for the Project have made a significant contribution to the body of information available in relation to the streams, vegetation, and the Porirua Harbour in particular. This is both useful for the assessment of the Project, and also as a resource for wider use – which is consistent with the aim of encouraging agencies to work together (Policy 4.2.8).

32.13 District plans

The NoRs relate to land within four district plans (refer to Figure 1.2).

The "relevant provisions" of the District Plans are matters to which particular regard is to be given when considering the NoRs and the regional consent applications. In relative terms, however, the provisions have more relevance to the NoRs, albeit on the basis that designations override district plan rules.

The District Plans provide a framework to promote sustainable management of a district's land resources with specific methods and solutions developed to address issues for each of the four districts. The District Plans contain objectives and policies that apply to land use within the districts.

This section includes an assessment of those provisions of the District Plans relevant to a consideration of the NoRs – although they are also relevant matters for consideration of resource consent applications because the District Plans must not be inconsistent with the provisions of the Regional Policy Statement and Regional Plans. Chapter 4 of this AEE sets out the high level statutory framework and the relevant objectives and policies are provided in the Statutory Provisions Report (**Technical Report 21**).

It is noted that many of the objectives and policies in the District Plans are consistent with and reflect those identified in the NZCPS, PRPS/RPS and regional plans discussed previously. The following assessments will highlight the additional considerations from the objectives and policies of the District Plans, with respect to the Project.

It is noted that because the NZTA and the PCC are seeking to designate land, the rules in the District Plan do not apply in the sense that designations override rules, but they are relevant to consider. No resource consents are required under District Plans.

32.13.1 Kapiti Coast District Plan 1999

The Kapiti Coast District Plan (KCDP) became operative on 30 July 1999, and the proposed route involves land within the Rural Zone, and within the existing SH1. In addition to the underlying Rural zoning, there are a number of other KCDP notations on or close to the land required for the designation:

- Water Collection Area;
- Faultline;
- Ecological sites K111 (Wainui Stream Bush – DOC 711), K139 (Rowans Bush) and E17 (Tararua Ranges - DOC 281) – located outside the designation (shown on the application drawings);
- Outstanding Landscape; and
- Noise Contour.

There are a number of operative and proposed plan changes to the KCDP. None of these are considered relevant to the Project.

The KCDP contains an existing designation that relates to a Transmission Gully route:

- Designation D0103 relates to the main route from the previous alignment and NZTA is the requiring authority responsible for this designation. It is noted that the proposed designation route is different from the existing one, and this is demonstrated in the Plan Set.

The brick fuel tank near the MacKays Crossing end of the Project route is also annotated on the District Plan maps as a notable heritage item – albeit in the wrong location (the correct location is shown in the Assessment of Built Heritage Effects (**Technical Report 19**) and the existing designation would probably have resulted in the destruction of this feature (though its correct location has only recently been ascertained by a surveyor meaning the true effect may not have been realised) and the proposed new designation and associated road alignment skirts around it. The correct location is described in **Technical Report 19** (Assessment of Built Heritage Effects) and shown on plan **GM02**.

Relevant objectives and policies are found throughout the Plan and these have been considered with the following objectives (and associated policies) being considered to be particularly relevant: Rural Zone C2.1, Tangata Whenua C6.1, Earthworks C7.3.1, Heritage C8.1, Landscape C10.1, Ecology C11.1, Noise C14.1, Natural Hazards C15.1, Network Utilities C16.1, and Transport C18.1. Key points in relation to this suite of provisions are:

- Regarding the Rural Zone, reference can be made in particular to Objective C2.1/1.0 which seeks (in short) to ensure that the adverse effects of rural based activities are avoided, remedied or mitigated with particular regard to life supporting capacity of resources and providing for future generations. Associated relevant policies focus on identifying and protecting vegetation and fauna and natural landscapes and features (Policies 1A and 1B) and outstanding landscapes (Policy 2). Similarly, the Subdivision and Development Objective C7.3/2.0 and Policies 1-3 are particularly relevant because they relate to the management of earthworks and related effects on natural landscapes and ecosystems; and the Landscape Objectives C10.1/1.0 (outstanding natural landscapes) and Policies 1-14 are directly relevant for the same reasons, and because the route skirts the edge of an outstanding natural landscape.
- Both the Assessment of Landscape and Visual Effects (**Technical Report 5**) and the Ecological Impact Assessment (**Technical Report 11**) recognise the importance of the listed natural landscape of the Tararua Foothills (referred to above), the wider rural landscapes beyond this recognised feature, and the terrestrial vegetation and fauna that are a part of this. Subject to revegetation, replanting and protection of areas of existing "green" space, the Project is consistent with the direction of these objectives. Overall, for the reasons stated above (rural zone assessment – and assessment under the RPS and RFWP), the Project is considered to be consistent with these relevant objectives and policies.
- Regarding Tangata Whenua, Objective C6.1/1.0 takes a similar approach to the regional planning documents and uses similar wording to that in Part 2 of the Act insofar as it refers to taking into account the principles of the Treaty, having particular regard to kaitiakitanga and ensuring that the relationship of tangata whenua with the natural environment is recognised and provided for. Objective C11.1/2 (Landscape) also seeks to recognise and provide for the relationship of tangata whenua with the natural environment. As set out in the Cultural Impact Report (**Technical Report 18**), and in consultation records (refer to the Consultation Summary Report), there has been ongoing engagement with and recognition of Ngati Toa (Policy 1) throughout the development of the Project, and the preparation of the technical reports and AEE for this consenting phase. Opportunities have been available at a number of stages throughout the Project for involvement and influencing key design elements. An early awareness (Policy 2 and 4) of the issues that were of primary interest to Ngati Toa, and that influence their role as kaitiaki of the natural resources of the area (Policy 3 and 5), was an important early step, and which demonstrates consistency with the relevant objectives and policies. The importance of the water resources of the Region, and the coastal environment, were identified early as being of key interest to Ngati Toa (Policy 6 and 7), and ongoing sharing of ideas and findings from hydrological and ecological investigations. Opportunity to feed into the process of carrying out investigations and to influence mitigation decisions demonstrates consistency with Policy 6.
- Regarding Heritage, Objective C8.1/1.0 is relevant because it relates to identifying and protecting heritage features of significance. Fairly late in the process of developing the design for the designation and consenting phase, it was realised that the brick fuel tank located at the edge of the Te Puka Stream was not accurately located on the KCDC planning maps. This meant that the actual location could have resulted in the destruction of the feature. The alternative, to redesign the road around the tank, was investigated and the tank will now be retained – demonstrating consistency with this provision.

- Regarding Noise, Objective C14.1/1.0 (and Policies 1, 2 and 3) requires consideration of noise from non-residential activities on the amenity of residential and rural environments, and requires that noise effects are avoided, remedied or mitigated. Objective C14.1/2.0 is specific to the effects of traffic noise on residential amenity values, and Policy 2 and 4 are specific to new roads. A detailed assessment of all sensitive receptors (houses) close to the route has been carried out and consideration made as to potential effects on these. Where a higher than acceptable noise level is measured, consideration has been given to methods to manage the effects (Policy 5). It is acknowledged that the new road will bring new noise into the environment, simply by the presence of the new road, and that this will affect ambience. However, assessments have demonstrated that noise levels will be reasonable in terms of the relevant noise standards (Objective 14.2).
- Natural Hazards and the presence of a number of faultlines in the vicinity of the route are recognised in the Plan – including on the Planning Maps. Objective C15.1/1.0 and Policies 1 to 12 are all relevant. The objectives and policies focus on avoiding, remedying and mitigating actual and potential adverse effects arising from development within the vicinity of a natural hazard. The design of the Project, particularly within the Te Puka stream valley, is particularly cognisant of the natural hazards present, and the earth embankment design is a direct result of concerns about managing risks associated with the faultline. The Project is considered to be entirely consistent with this aim, and with the NZTA's objective of providing an alternative route into and out of Wellington to enhance route security.
- The aim of the objectives and policies that relate to Network Utilities (Objective C16.1/1.0 and Policies 1-5) is to provide for the efficient operation of these essential services. The applicants have been working closely with all potentially affected utility providers, and thus the Project will be entirely consistent with the aim of these provisions.
- There is potential for accidental discovery of hazardous substances from historical land uses. Objective C17.1/1.0 and Policies 1-4 promote the appropriate management of hazardous substances so that they do not have adverse effects on human health or the environment. Consistent with this approach, the Project sets out methods to identify and then manage identification and management of hazardous substances.
- With regard to Transport Objective C18.1/1.0 is particularly relevant to the Project and states: *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 traffic routes*. Policies 6 to 14 are relevant, and Policy 12 is particularly relevant because it relates to protecting the existing and proposed state highway network. This Project is entirely consistent with this objective insofar as it will result in more efficient movement of people and goods throughout the District (and Region), providing a more reliable route, shorter travel times, an alternative route to the existing state highway, and a safer modern designed road. In addition to this and with reference to the policies that have regard to other modes of transport (particularly Policies 7, 8, 9 and 13), the Project will not preclude the use of other modes of transport.
- In addition the Kapiti Coast District Council outlines "significant resource management issues" within Chapter B. Future roads links and connections (B.19.4.1(ii)(e)) is an issue raised as being of particular significance. Specific mention is made of an "*alternative to State Highway No. 1 south of Mackay's Crossing, known as the "Transmission Gully" route".*

The key themes in the relevant objectives and policies are similar to those considered in the PRPS and other planning documents – particularly the provisions addressing natural landscapes, inappropriate subdivision and development and earthworks management – and the Project is considered to be consistent with these.

32.13.2 Upper Hutt City District Plan 2004

The Upper Hutt City District Plan (UHCDP) became operative on 1 September 2004. The proposed route involves land in the Rural Hill Zone only – an overall area of less than 1ha. There are no other notations for the land shown in the UHCDP. There are no proposed plan changes to the UHCDP considered of relevance to the proposed Project.

The UHCDP contains an existing designation that relates to a Transmission Gully route:

- Designation TNZ4 (Rural map 8) relates to the main route from the previous alignment and NZTA is the requiring authority responsible for this designation. On Rural Map 8 of the UHCDP the designation is labelled as 'State Highway 2'. This is slightly different to, and smaller than, the existing designated area within the jurisdiction of UHCC.
- Designation TNZ4 is bounded to the east by a GWRC designation (WRC6) for the Akatarawa and Whakatiki Water Catchment.

Relevant objectives and policies are found throughout the Plan with the following sections being particularly relevant to the activities being undertaken within the Upper Hutt District: 5.3.2, 5.4.1, 5.4.5, 5.4.7, 5.4.8, 9.4.1, 9.4.2, 13.3.1, 13.4.1, 15.3.1, 16.3.1 and 16.4.1. The area of Upper Hutt District directly affected by the Project is small (less than one hectare). However, it is recognised that there will be effects on the District arising from improved regional connectivity (for example). The key themes in the relevant objectives and policies are similar to those considered in the PRPS and other planning documents and the Project is therefore considered to be consistent with these as discussed in earlier sections.

32.13.3 Porirua City District Plan 1999

The Porirua City District Plan (PCDP) became operative on 1 November 1999. The proposed route (including the Porirua Link Roads) involves land in the following PCDP zones:

- Industrial Zone [Kenepuru link road only]
- Suburban Zone
- Rural Zone
- Whitby Landscape Protection Area
- Judgeford Hills Zone (intention when approving this plan change (aka EQM) was for its boundary to be contiguous with TG designation. Some drafting inconsistency has occurred)
- Recreation Zone
- Public Open Space Zone

There are three proposed plan changes to the PCDP which have little relevance to the Project.

The PCDP contains four designations that relate to a Transmission Gully route:

- Designation K0405 relates to the main route for a previous alignment and NZTA is the requiring authority responsible for this designation.
- Designation K0406 relates to the Kenepuru Link Road. NZTA is also the requiring authority responsible for this designation.
- Designation for the North Island Main Trunk Railway Line
- Designation for Battle Hill.

The two Porirua Link Roads are located wholly within the jurisdiction of the PCDP and cover land zoned for future residential purposes.

Relevant objectives and policies are found throughout Chapter C of the Plan though the following sections are considered particularly relevant: C1-4 zoning provisions, C5 Treaty, C7 Transport, C8 Heritage, C9 Landscape and ecology, C11 Noise, C12 Natural Hazards and C14 Network Utilities.

Rural Zone

The Rural Zone is by far the largest zone within which the Project is located. With regard to the Rural Zone objectives, the District Plan seeks "to identify a rural zone and continue its management so as to avoid remedy or mitigate the effects of the activities within it." (Objective C4.1). As discussed throughout this AEE, the effects on the environment of the Project have been considered holistically along the whole route.

The explanation for this Objective states that the Council sees the rural environment remaining non-urban for the foreseeable future. The Project will not jeopardise this goal and, along with the District Plan zoning provisions, may act almost like an urban limit boundary because it provides a clear contrast between urban and rural – particularly in the vicinity of the James Cook Interchange (Policy C4.1.1).

Consideration of the ongoing long-term productive potential of rural landholdings (Policy C4.1.8) is made in negotiations for land acquisition (through the Public Works Act) insofar as landowners will be compensated based on the remaining viability of lots (e.g. for primary production or subdivision purposes) if they are part purchased. It is acknowledged that the alignment will adversely affect the productive potential of some landholdings along the alignment, and there are a wide range of drivers (other than just viability of lot sizes) that have driven the choice of the proposed alignment – which are set out in Chapter 10 of this AEE.

Objective C4.2 seeks "to avoid or reduce the adverse effects of activities on ecosystems and the character of the Rural Zone". This NoR is accompanied by applications for regional resource consents, and therefore there has been a robust consideration of the wider effects of the Project on ecosystems and natural character of the Rural Zone (Policies 4.2.1, 4.2.2, 4.2.3 and 4.2.4). As discussed above, a significant part of the Project involves the revegetation and retirement of land as mitigation for the effects of the Project. There will be a notable positive outcome ecologically with improved stream

environments arising from the Project, and it is considered that the Project will be consistent with these objectives and policies.

The Treaty

With regard to the Treaty, the District Plan takes a similar approach to the regional planning documents and uses similar wording to that in Part 2 of the Act (as stated in the explanation for Objective C 5.1) insofar as it refers to taking into account the principles of the Treaty, having particular regard to kaitiakitanga and ensuring that the relationship of tangata whenua with the natural environment is recognised and provided for (Policy 5.1.3).

Policy C5.1.1 is particularly relevant to the Project route and states: "*To recognise Te Runanga O Toa Rangatira as the voice of the tangata whenua*". Representatives of Ngati Toa have been involved throughout many phases of the Project's development, and have highlighted their key areas of interest as being in relation to natural resources, ecology water, and the coastal environment. They have been engaged to prepare a Cultural Impact Report (**Technical Report 18**) about the Project, drawing heavily on the conclusions of the Ecological Impact Assessment (**Technical Report 11**), and working with the relevant technical experts as required to better understand the effects of the Project (directly consistent with Policies C5.1.2 and C5.1.5).

Further, Policy C5.1.4 which states: "*To recognise the desire of Ngati Toa to maintain and enhance their traditional relationship with the natural world*." also promotes seeking opportunities to recognise the aims of Ngati Toa. Consistent with this policy direction, the NZTA and PCC have been working with Ngati Toa to review options for making already compromised natural resources more accessible, and to enhance environments where practicable.

Consistent with Policy C5.1.6, whilst no specific taonga or waahi tapu have been identified as being affected by the route, it is recognised that the natural environment as a whole is an important taonga in itself. This theme is also picked up in Policy C9.1.12 (Landscape and ecology) and Objective C10.1 (Coastal). This approach underpins the overall approach to assessing and addressing effects on the environment arising from the Project. Further to this, work has been undertaken with Ngati Toa to develop appropriate discovery protocols and designation/consent conditions to set out processes for discovery of archaeological remains.

Transport

Regarding Transport, Objective C7.1 aims to achieve a safe and efficient transportation network that enables the people of the City and the wider community to provide for their social and economic wellbeing without creating significant environmental effects. The Plan acknowledges that transport infrastructure is a significant resource in its own right, and maintaining this resource – and an integrated approach to planning - is an important focus of the objectives and policies.

The PCC has an integrated approach to managing land use and transportation (Policy 7.1.2), and the Plan has already anticipated the construction of the Project, having taken it into account when considering growth and development in the District. Policy 7.1.5 makes specific mention of the Project in its explanation:

> *"The most significant roading issue for the City is the Transmission Gully highway scheme"…"Council has a strong preference for the Transmission Gully route as a high priority. It is seen as having long term strategic benefit for the City and Region. However, it is acknowledged that the enhancement of the capacity of State Highway One is also necessary."*

Clearly, the Project (both the link roads and the main alignment) are both entirely consistent with this Policy. Further to this, the Project will not preclude further works being carried out on the existing SH1 route, and it is acknowledged in the Urban Design and Landscape Framework (**Technical Report 23**), and in the Assessment of Traffic and Transportation Effects (**Technical Report 4**), that works on the existing coastal route could be desirable too.

The objectives and policies broadly promote avoiding, remedying and mitigating adverse effects of the transport network on the environment (Policy 7.1.2 and 7.1.3). This is addressed further in the assessment of effects in Part G of this AEE, and in the management of effects and conditions sections of Part H. Whilst it is generally accepted that a large infrastructure project such as this will have noticeable adverse effects on the environment that may in some cases be more than minor, the approach to avoiding, remedying and mitigating effects on the environment has been carried out using a balancing approach (as per Part 2 of the Act) considering both adverse and positive effects overall.

The Project is entirely consistent with Policy 7.1.4 which seeks to protect major transport corridors. The Transmission Gully route has been well recognised through previous designation processes as an intended transport corridor, and this is already acknowledged by its presence in the District Plan. This current proposal has identified a different route (although in the same general arrangement and optimised) that will result in a much better environmental outcome from an ecological perspective, and that will be more secure from a natural hazard perspective.

The applications are accompanied by extensive social and environmental assessments (this report and its associated technical reports) (Policy 7.1.5), and consideration of potential economic effects. The Project does not preclude the development of other transport modes such as walking, cycling and public transport and, in fact, promotes and provides many improved cycling and walking facilities as part of its design and mitigation measures. Maintaining regional cycle networks is a key consideration for the Project.

Landscape and ecology

Regarding landscape and ecology, Chapter C9 sets out the issue, objectives, policies and methods relating to Landscape and Ecology. The policy direction of this Chapter is considered consistent with the RPS and the RFWP, and the planning assessment above is considered relevant for this Chapter. Objective C9.1 seeks to manage the landscape and ecological systems in the City in a sustainable manner. The Project has been assessed to identify potential adverse effects on local and regional amenity values including visual and landscape impacts (**Technical Report 5**: Assessment of landscape and visual effects) and effects on ecology (**Technical Reports 6- 11**). An holistic approach – considering the effects of the Project as a whole along the entire route and across all the affected catchments – has been taken to assessing effects and then determining methods to avoid, remedy and mitigate effects. For example, the identification of an adverse effect within one catchment may be addressed through works in another

catchment in some instances, and could result in a better environmental outcome and an overall improvement in the ecological and landscape values of a more important or significant environment.

Policy C9.1.5 seeks to protect the landscape and ecological character of the Rural Zone – which comprises the majority of the land along the route, and Policy C9.1.6 encourages the preservation and protection areas of significant native vegetation. The overall approach to managing effects of the Project is entirely consistent with this approach. Whilst there are no outstanding natural landscapes within the jurisdiction of the PCC, there are other important landscapes, including significant areas of regional park– with Battle Hill considered an important cultural landscape by some. Large areas of revegetation and protection of existing vegetation, are methods proposed to manage the landscape and ecological effects of the Project, and whilst the presence of the road will be an undeniably significant change, there will also be some notable landscape and ecological benefits felt as a result of methods (e.g. revegetation and protection) of the Project. Protection and enhancement of ecological integrity (Policy C9.1.14) is implicit in this.

Policy C9.1.15 is specific to the Whitby area and is directly relevant to the link roads. Whilst it relates to future subdivision of the area, the Policy seeks to recognise, protect and enhance existing ecological and landscape features, and the design of the link roads has had regard to minimising landscape effects in the choice of location and design.

Other parts of the route that will be particularly visible from urban areas include the Ranui Heights residential area near the southern end of the route. Whilst the route cannot be completely hidden, the approach has been to carry out extensive planting and revegetation in order to minimise its visual appearance on the landscape.

Coastal

With regard to coastal issues, Objective 10.1 seeks to protect and enhance the spiritual, cultural, ecological and amenity values of the coast. The wording of this Objective demonstrates that the coastal environment is very important to the PCC – and that the landward jurisdiction of the Council has an effect on the coastal environment.

The proposal will not adversely affect public access to the coastal environment (Policy C10.1.1). Many of the policies relate to the provision of esplanade reserves around the coast, so are not directly relevant to the Project.

Policy C10.1.5 is directly relevant because it seeks: "*To manage the effects of activities likely to result in increased levels of contaminants and silt run-off so as to avoid and/or mitigate these effects on the coastal environment and coastal marine area.*" As discussed above, (assessment of the RFWP, RCP and RPS) there is already substantial sediment runoff to the Porirua Harbour from existing natural land runoff and from a variety of past and existing land uses. There will be some increase in sediment transport to the Harbour during construction of the Project. For the most part the effect of this sediment will be less than minor, but there is a very small chance of a moderate adverse effect on the coastal environment if a combination of factors (including construction stage, specific wind and rain weather conditions, tide conditions) all coincide. There is a lot of public interest in the Porirua Harbour (evidenced through the consultation with key stakeholders and the public – refer to the Consultation

Summary Report), and further, given the policy direction in the RFWP, there is a strong emphasis on avoiding adverse effects completely. This is consistent with the approach taken for the Project.

Objective C11.1 is simple in its objective, which is to minimise the effect of noise on the environment. A detailed assessment of all sensitive receptors (houses) close to the route has been carried out and consideration made as to potential effects on these. This is consistent with Objective C11.1 because effects of noise are mainly felt by people, in the places where they regularly spend time. Where a higher than acceptable noise level is measured, consideration has been given to methods to manage the effects. It is acknowledged that the new road will bring new noise into the environment, simply by the presence of the road, and that this will affect local ambience (Policy C11.1.1). Particularly in relation to the more rural environments (such as Bradey Road and Flightys Road) it is recognised that those environments will experience traffic noise where, at present, there is none. However, the acoustic assessments indicates that noise levels at all properties can be managed in order to meet the NZ Standards for Road Traffic Noise (NZS 6806:4)(Policy C11.1.2).

Natural hazards

Regarding Natural Hazards, Objective C12.1 is particularly relevant to the Project as it seeks "to minimise the risk from earthquakes to the wellbeing and safety of the community". A key objective of the NZTA for this Project is route security (as discussed a number of times elsewhere in this report). Providing an alternative route into and out of Wellington, including access to and from Porirua, is a key way in which to provide for the wellbeing and safety of the community.

Technical Report 1 (Design Philosophy Statement: Roading Design), **Technical Report 2** (Design Philosophy Statement: Bridges and retaining walls) and **Technical Report 3** (Geotechnical Engineering factual report) all detail how consideration of natural hazards have influenced and informed the Project's design (Policy C12.1.2 specifically mentions the Ohariu fault). This natural hazards Chapter is considered to be consistent with the PRPS and the corresponding planning assessment is also applicable to the provisions of the PCDP. There has been specific consideration of natural hazards in the design of the Project with particular consideration of the key strategic objective of route security. As discussed in Chapter 1, the security of access into and out of Wellington has been a key driver in making some of the main design decisions. In particular the use of reinforced earth walls through the Te Puka stream valley instead of a bridge is an important design solution to better manage earthquake risk (Policy C12.1.5).

Objective 12.2 seeks to avoid or mitigate flood hazard on the wellbeing and safety of the community. This Project has been carefully designed so as to manage flood flows taking into account the potential effects on people and properties (Policy 12.2.1). Overall, and aside from one exception which has been discussed with the landowners and mitigated, it is considered that flood hazard has been adequately managed.

Network utilities

Regarding network utilities, of all the objective and policies, Policy C14.1.4(a) seeks to avoid or mitigate potential adverse effects on above ground lines. In consultation with Transpower and other utility providers, designation conditions have been developed (using a Network Utilities Management Plan) to manage effects on these assets. Ongoing liaison during construction will be required.

Objective C14.2 seeks to promote the efficient use and development of network utilities. The Project has been designed taking into account the presence of a number of existing network utilities, and effects will be managed and consistent with the existing networks (Policy C14.2.1).

Hazardous substances

Objective C15.1 seeks to prevent or mitigate any adverse environmental effects of accidental discharges of hazardous substances. All known contaminated sites have been mapped for this Project, and management of contamination is proposed through a remedial action plan and verification processes (Policy C15.1.4). Storage and handling of hazardous substances as part of the construction process will be subject to appropriate management practices set out in the CEMP (Policy C15.1.1).

Overall, it is concluded that the proposal will be consistent with all the relevant objectives and policies, and forms a key part of the infrastructure for PCC that is already recognised as essential in planning policy.

32.13.4 Wellington City District Plan 2000

The Wellington City District Plan (WCDP) became operative on 27 July 2000. The Project requires land in the Outer Residential Zone and the Rural Zone. There are a number of proposed plan changes and variations to the WCDP. One is relevant to the Project – Plan Change 70 which relates to earthworks. The WCDP contains two existing designations that relate to the Project:

- Designation H5 (Planning maps 29 and 31) relates to the main route from the previous alignment and the NZTA is the requiring authority responsible for this designation.
- Designation X1 (Planning map 29) relates to the Warspite Link Road and Interchange from the previous alignment (which is still shown on the planning maps, though it is understood that PCC as the requiring authority responsible for this designation has sought to have it uplifted).

Applicable objectives and policies are found throughout the Plan with the following sections being particularly relevant: General Provisions, Issues for Tangata Whenua, Suburban Areas, Rural Area, Natural Environment, Utilities, Designations and Earthworks.

32.13.4.1 Assessment

Having regard to the relevant objectives and policies, the following points are noted:

- The Project is located on the edge of established residential areas and the residential objectives (Objective 4.2.1) and associated policies are relevant – although they are largely focussed on the effects of urban development. Effects in this area are largely construction related and include noise and construction management issues. The NZTA has met with immediate neighbours in relation to operational noise issues, and measures are in place to address construction effects through the CEMP. There are no long term noise effects that cannot be adequately mitigated. Overall, whilst the objectives and policies are of limited relevance, the proposal is consistent with these.

- The Project will occupy land in the rural environment, and Policy 14.2.1 promotes the efficient use and development of the natural and physical resources of the rural environment. The Project is located on the outskirts of the urban area and the integrity of the rural environment will not be adversely affected – it is therefore consistent with this policy direction. Policy 14.2.3.1 seeks to control the effects of non-rural activities. Part G of this report discusses actual and potential effects, and Part H sets out methods of manage effects.
- Existing network utilities are present in a number of locations along the Project route, and within the Wellington jurisdiction include Transpower towers, Takapu Substation, a Vodafone cellsite and underground services. Objective 22.2.1 promotes the efficient development and maintenance of utilities. The development of this Project has involved extensive discussions and consultation with utility providers (refer to the Consultation Summary Report), and a management plan is proposed by designation conditions to address effects on utilities. Consequently it is considered that the Project is consistent with Objective 22.2.1.
- Regarding designations, Objective 24.2.1 states "To provide for designations, only where they are necessary, to ensure the efficient functioning and operation of public works." This Project is considered necessary in order to ensure the efficient functioning of the State Highway network, and is therefore consistent with this direction. Policy 24.2.1.2 is also relevant insofar as it encourages the removal of unnecessary designations. In this regard it is noted that the NZTA has undertaken to review the necessity of the existing designation once the outcome of this current NoR is known.
- Regarding earthworks, Objective 29.2.1. seeks to avoid, remedy or mitigate the adverse effects of earthworks on the environment. Policy 29.2.1.3 and 29.2.1.4 are the most relevant policies and promote consideration of instability, and management of erosion and offsite effects respectively. As discussed above, managing offsite effects of earthworks is a key consideration for this Project because it is essentially a large earthworks site. Extensive consent conditions are proposed (i.e. for the regional consent for earthworks) and related designation conditions are proposed, to manage the effects of earthworks consistent with this policy direction.
- Plan Change 72 is a full review of the residential chapters of the Plan, and amends a number of objectives, policies and rules. Efficient use of infrastructure is a consideration of the Plan Change and new medium density residential provisions are applicable to nearby areas. Overall, the Project will not be contrary to the Plan Change.

32.14 National environmental standards

There are two applicable national environmental standards (NES):

- NES for Air Quality – This NES sets the boundaries of Regional air-sheds and requirements for management of air quality within those air sheds. 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). Vehicle emissions are not specifically controlled under the AQNES, though emissions do make a noticeable contribution to overall air quality;

- NES for Sources of Drinking Water – The Project is located on the periphery of (downstream of) the Wellington Regional Council's drinking water collection areas. The only known extraction point affected by the project is at Paekakariki and this water source will be relocated as part of Project – as discussed in Chapter 15.

No consents are required under these standards as part of this Project and they are therefore considered to be of little relevance.

The "Proposed National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health" (NES CS) is not currently operative, but is expected to be gazetted by the Minister later in 2011. It may then become of relevance to the consideration of this Project. The purpose of the NES CS is to provide for a consistent approach to identifying, assessing and managing contaminants in soil across New Zealand. Currently different Councils have differing approaches to managing contaminants, with varying degrees of efficacy.

The NES CS proposes a mix of permitted activities and requiring resource consents for certain activities on land affected or potentially affected by contaminants in soil. The NES would require all territorial authorities (district and city councils) to give effect to and enforce its requirements.

The Assessment of Contaminated Land Effects (**Techncial Report 18**) has had regard to the relevant standards set out in the Proposed NES and proposes methods to clean up, manage and/or dispose of contaminated soils in accordance with the NES standards. Relevant conditions are proposed setting out the methods for the future contractors to follow on site.

32.15 Other relevant documents

Other relevant documents in terms of section 104(1)(c) and 171(1)(d)) include both statutory (including documents required to be prepared under other legislation such as the Land Transport Management Act 2003 or Conservation Act 1987 for example) and those non-statutory documents that, whilst not having a regulatory function under the RMA, have been through a public process and/or are well-recognised publicly as being important policy documents that set the direction for either the Region or the city. The following documents are considered relevant:

- the Government Policy Statement on Land Transport Funding 2009/10 – 2018-19;
- the National Infrastructure Plan 2011;
- the New Zealand Transport Strategy 2008;
- the Western Corridor Plan 2006:
- the Wellington Regional Land Transport Strategy 2010 – 2040;
- the Wellington Regional Strategy 2007;
- the Porirua Development Framework 2009;
- the Porirua City Community Outcomes Action Plan 2009 – 2015;
- the Draft Porirua Transportation Strategy;

- the Kapiti Coast Sustainable Transport Strategy 2008;
- the Wellington Conservation Management Strategy 1996;
- the Greater Wellington Parks Network Plan 2011; and
- the Pauatahanui Inlet Action Plan 2000.

32.15.1 Government Policy Statement on Land Transport Funding 2009/10 – 2018- 19

The Government Policy Statement on Land Transport Funding (GPS2) was updated and re-released in May 2009 and subsequently amended in November 2010. Its introductory statement says that "*The government's priority for its investment in land transport is to increase economic productivity and growth in New Zealand*".

The GPS introduced seven roads of national significance (RoNS) and covers the financial period 2009/10 to 2014/15. The GPS is issued under the LTMA and directs the NZTA to deliver on its objectives and outcomes. The GPS acknowledges that a combination of methods will be used to achieve the outcomes of the GPS including the RoNS, and other improvements including to local roads and public transport.

The Project is a part of the Wellington RoNS, and the Porirua Link Roads are an important local roading initiative to improve the efficiency of the main Project and, therefore, both the Main Alignment and the Link Roads are consistent with the GPS2.

32.15.2 National Infrastructure Plan 2011

The National Infrastructure Plan 2011 is the second to be released. The first Plan in March 2010 set out key infrastructure priorities including the Roads of National Significance, and this second Plan builds on those priorities, but takes into account the earthquakes in Christchurch and prioritises rebuilding work there. The Plan has five aims of which No.4 is directly relevant to this Project:

- *Working with Canterbury infrastructure providers to rebuild infrastructure to get the economy working again as well as considering how to build greater resilience.*
- *Providing a comprehensive approach to investment in Auckland which is fair to all New Zealanders, and which helps implement government responsibilities through the Auckland Spatial Plan.*
- *Achieving significant improvement in the management of government owned social infrastructure assets to deliver better services to the public and explore alternative procurement methods.*
- *Focusing land transport investment on supporting exporters (e.g. completing RoNS and improved rail services to ports).*
- *Improving the ability to monitor performance across all infrastructure sectors.*

32.15.3 New Zealand Transport Strategy 2008

The NZ Transport Strategy seeks to provide direction for the transport sector over 30 years. The strategy relates to all parts of the transport sector. Key relevant aims include:

- 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: improving journey times and journey time reliability;
- Assisting safety and personal security: reducing road deaths and serious injuries;
- Improving access and mobility: increasing public transport, walking and cycling; and
- Protecting and promoting public health; reducing people exposed to transport noise and reducing people exposed to dangerous concentrations of air pollution.

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

- The Project involves extensive areas of revegetation, retirement and planting of native, locally sourced vegetation. This land will remain within the control of either the NZTA, or another agency (e.g. the GWRC) and will be maintained in perpetuity as mitigation for the effects of the Project;
- The Project will significantly improve journey times around the Region and improve journey time reliability;
- There will be a reduction in road crashes and a significant improvement in overall traffic safety both through reduction in through traffic on some local roads – including the coastal route – and through a modern designed new route;
- The Project will not preclude opportunities for improved development of public transport, and provides some new opportunities for recreational walking and cycling; and
- Transport noise effects and air quality effects have been modelled. Properties that were likely to be exposed to higher levels of noise than allowed under the relevant standard will be protected by noise mitigation measures, including noise barriers.

32.15.4 Regional Land Transport Strategy 2010 - 2040

The Wellington Regional Land Transport Strategy (RLTS) 2010-2040 was adopted by GWRC in September 2010. It is a statutory document prepared under the LTMA and contains explicit support for the Transmission Gully Project. 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 Wellington RLTS 2010-40 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 RLTS objectives 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 Regional Land Transport Programme is affordable for the regional community.

This Strategy also includes particular policy recognition that the Project is a critical transportation improvement for the Wellington Region. There is specific policy support for the Project contained in the following RLTS policies:

> *"8.1r - Ensure the proposed Transmission Gully Project is developed as the long term solution to address access reliability for State Highway 1 between MacKays and Linden.*
>
> *8.1s - Ensure the existing State Highway 1, between MacKays Crossing in the north and Mungavin Interchange in the south, is managed in a way that is consistent with its long term purpose of a scenic access route once the Transmission Gully project is operational."*

The Project will be consistent with all these relevant objectives because:

- Regional connectivity is improved and travel times are reduced;
- Reduction of traffic on the existing state highway will improve the liveability of coastal communities;
- Route security is enhanced, safety is improved, travel times will be shorter and more reliable, and this all provides for better accessibility to and from Wellington, with two major options being available; and
- The Project delivers the policy vision of Transmission Gully as the long term solution to address access reliability between MacKays and Linden.

32.15.5 Western Corridor Plan 2006

The 'Western Corridor Plan: Otaki to Ngauranga Merge' was adopted by GWRC in 2006 as part of the RLTS. It recognises that there are serious reliability and safety issues along this corridor both for public and private transport, and that there is a need to create a long-term strategic solution to respond to growing demand. This Plan seek to respond to these issues by planning and providing for a safer, more reliable road and rail corridor that meets user expectations of a consistent regional corridor. The Project is included as part of the Plan.

The Wellington Corridor Plan lists a number of policies relating to Land use Integration, Travel Demand Management, roading, passenger transport, and walking and cycling. The Project is entirely consistent with the Western Corridor Plan as the Transmission Gully Project is a critical component of delivering on these outcomes.

32.15.6 Wellington Regional Strategy 2007

In 2007, the nine local authorities of the Greater Wellington Region collaboratively finalised the production of the WRS. The Strategy has a principal aim of making the Greater Wellington area internationally competitive, in terms of being a Region with great lifestyle and job opportunities, supported by a strong economy. The focus areas for the Region are set out in Chapter 4 of this AEE.

The WRS initiatives for the promotion of an efficient regional form include:

- **Strong regional centres and land for business growth** – The WRS recognises that the Porirua City CBD and existing industrial areas have a particular role in terms of growing the Region's economy, ensuring that there is an adequate and adaptable supply of land for commercial and industrial use.
- **Integrating transport with urban and rural needs** – The WRS identifies that it is desirable to create more employment close to where people live. The efficient operation and use of our 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** – The WRS acknowledges that one of the Region's strengths is its wide range of housing and lifestyle options. There is a need 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.
- **Rural lifestyles** – The WRS has identified that the Region offers excellent opportunities for rural residential living. It recognizes 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. This is counter balanced with caution regarding removing high quality soils from primary production, threatening sensitive ecosystems or significant landscapes, and land fragmentation creating urban expansion difficulties.
- **Regional Focus Area/Change Areas** –The WRS identifies a number of areas of change where there are likely to be development pressure or where opportunities are likely to emerge. The WRS does not suggest that all of these areas are promoted for development and notably at Pauatahanui suggests that, less development rather than more, is likely to be appropriate. The focus areas include Pauatahanui, Porirua to Linden, Paraparaumu town centre to Paraparaumu beach.

The Project will be entirely consistent with the WRS's initiatives because:

- It strengthens cross-region linkages and improves connectivity and it is part of the regional strategy to improve access to public transport opportunities for those who do not live close by (for example, through park and ride facilities);
- It will enhance the liveability of communities, providing for a much more pleasant urban environment in coastal communities as there will be a significant reduction in traffic volumes and traffic speed thus improving local amenity; and

- Will not preclude future development of rail and other public transport modes. Those corridors remain unaffected by the Project, and special provision has been made to future-proof the rail crossing (by Kenepuru Link Road) to allow for future tracks and electrification.

32.15.7 Porirua Development Framework 2009

The Porirua Development Framework (PDF) is a guiding document that is intended to influence how and where the city will physically develop over time. It provides a picture of what the City may eventually look like, identifying areas where people may live, work and play. It is also intended to guide change within the City.

An assessment against the provisions of the PDF was undertaken; refer to Appendix to **Technical Report 4** (Assessment of Traffic and Transport effects). Those assessments conclude that the Project is entirely consistent with the PDF because it anticipates the construction of the Project and has focussed future development aspirations for the District accordingly.

32.15.8 Porirua City Community Outcomes Action Plan 2009 – 2015

The Community Outcomes Action Plan was prepared by PCC in conjunction with the community to work towards achieving the community outcomes identified through the Local Government Act 2002 process. The Action Plan identifies nine community outcomes. One of these, 'Well Connected & On The Move', is of relevance to the Project because it promotes improved traffic and transport networks and connectivity in the district – the others are of less relevance to land use and transportation matters.

32.15.9 Draft Porirua Transport Strategy

The DPTS was open for consultation until 31 May 2011 and sets goals and aspirations for all types of transport in the Porirua District. The strategy is predicated on the construction of the Transmission Gully Project – consistent with the Western Corridor Plan, the Regional Land Transport Strategy and the policy position of the Council itself. Other local roading projects are being developed and given priority on the basis of the TG Project going ahead.

The Project is therefore consistent with the policy direction of the strategy.

32.15.10 Kapiti Coast Sustainable Transport Strategy 2008

The Strategy sets out a framework for decisions about transport development in the wider Region that will affect Kapiti in relation to the east/west corridors (the existing corridor at SH58 and the potential east/west link near Ngauranga Gorge).

The Project will substantially improve accessibility of the Kapiti Coast communities around the rest of the Wellington Region and this is consistent with the strategy.

32.15.11 Wellington Conservation Management Strategy 1996

The CMS is dated 1996 with a ten year term being from 1996 to 2005. Whilst it is out of date, it is relevant to have some regard to it. The Pauatahanui Inlet is listed in Chapter 6 of the CMS – Clause 6.4.

There is a useful description of the Inlet in on Page 61, which accords reasonably well with that in the Estuarine Ecology report (**Technical Report 10**). The Project alignment is located outside of the Inlet, and there is no specific reference to the streams that are affected by the Project.

Objectives are set out on Page 63 and Objective 1 is particularly relevant as it relates to "Conservation of the marine wetlands, indigenous species, historic resources and scenic qualities..." (etc...). The Inlet has been a key focus of the marine ecology studies and studies into the hydrology of the Porirua Harbour, and is clearly of great interest to the wider community as demonstrated in the level of interest identified through consultation (refer to the Consultation Summary Report, **Technical Report 22**) with a wide range of community groups, individuals and key stakeholders focusing on the Inlet. As discussed above, there is now a significantly improved body of research in place providing information about the hydrology of the Harbour so that effects of the Project (and other activities in catchment surrounding) can be better understood.

Overall, a significant amount of consideration has been given to the effects of the Project on the Inlet – and the values that are set out in the CMS. As discussed above, the expectation is that there will be no more than minor effects, although there is a very low probability of a combination of weather and construction events coinciding such that there is a moderate effect arising.

32.15.12 Greater Wellington Parks Network Plan 2011

The Greater Wellington Parks Network Plan (GWPNP) came into effect on 1 January 2011. It is a statutory document prepared under section 41 of the Reserves Act 1977. It combines and supersedes previous separate management plans for each of the Regional parks in the Region. The Landscape and Visual Assessment (**Technical Report 5**) has incorporated the principles from this Plan into design recommendations to maintain usability of BHFFP and Belmont Regional Park (refer to the Assessment of Social Effects – **Technical Report 17**).

32.15.13 Pauatahanui Inlet Action Plan 2000

The Pauatahanui Inlet Action Plan (PIAP) was released in August 2000 by the Pauatahanui Inlet Action Group. The PIAP was prepared by the group with input from a number of stakeholders, including the then Transit NZ. The PIAP's vision for the Inlet involves the protection and restoration of the ecosystem and its use for recreational opportunities. The PIAP contains a set of management actions to achieve this vision. These management actions are grouped into eight themes.

Theme 5 (Roading) is relevant to the Project:

"
- *Issue 5.3: The construction of the Transmission Gully and/or the upgrading of the existing SH1 corridor, with a new bridge at the entrance of the Inlet are likely to have significant impacts on the Inlet.*
- *Actions 5.2 and 5.3: Ensure that the roading agencies develop and adopt a Memorandum of Understanding based on best practice which includes:*
    - *Management systems for on-going maintenance activities which identify and mitigate adverse environmental effects on the Pauatahanui Inlet; and*

- *New applications for roading activities under the RMA must recognise that the protection of the Inlet from adverse environmental effects is a critical issue to be addressed."*

The NZTA has undertaken a significant amount of work and investigation into better understanding of how the Porirua Harbour works. This has involved hydrological modelling, ecological investigations and studies of weather patterns. This has added substantially to the body of knowledge of about the Inlet and therefore to the ability to accurately understand the potential for adverse effects from land uses within the catchments surrounding it. The protection of the Inlet has been a significant consideration and focus of the engineering and environmental studies, and as such, has resulted in a good understanding of the actual and potential effects of the Project. This better understanding will allow not only the NZTA, but also other parties and agencies to better manage the effects of wider land use on the Harbour.

32.16 Assessment of section 105 matters

Some of the applications are for discharge permits, involving discharges to air, and discharges of contaminants into water and onto land. Therefore, section 105 is relevant.

Section 105(1)	Comments	Cross-references
Nature of the discharge and sensitivity of the receiving environment to adverse effects	During construction discharge will contain levels of sediment than would normally occur, particularly during storm events. The receiving environments in freshwater streams and, eventually, the Porirua Harbour, are already adapted to a high sediment environment from run off from native bush, pasture and forestry land in the catchments. Therefore, the environments are considered to be resilient to sediment. Adverse effects are considered to be minor for the most part with one low probability exception in relation to deposition in the Harbour in an extreme weather event. These effects are all discussed further in the technical reports, Part G and, in relation to the statutory provisions, above.	AEE Chapter 6 **Technical Report 11** (Ecological Impact Assessment)
The applicants reasons for the proposed choice	In simple terms, the Project is essentially a large earthworks site. There are a number of different alternatives that have been considered (Chapter 10) and methods for managing discharges. The best practicable option has been chosen or no other alternatives to that which the applicants have chosen. The design process to date has avoided effects as much as practicable given the Project objectives. Where effects cannot be avoided, and there are good opportunities to remedy, mitigate and offset actual and potential effects.	AEE Part A
Any possible alternative methods of discharge, including discharge into any other receiving environment		**Technical Report 15** (Water Quality Assessment)

32.17 Assessment of section 107 matters

Section 107 relates to discharge permits. This section 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 (the Project is likely to increase sediment levels above current levels). The BoI cannot grant a discharge permit if the discharge is likely to result in certain effects. The relevant effects under section 107(1)(c) 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 streams running through the worksites and the Pauatahanui Inlet at times.
- Any significant adverse effects on aquatic life (section 107(1)(g)) – in an extreme weather event, it is expected that there will be some noticeable adverse effects on shellfish and other organisms within the Pauatahanui Inlet arising as a result of sediment discharge travelling to the Inlet from streams, due to upstream earthworks and construction activities – with moderate effects potentially arising in extreme weather conditions that coincide with high levels of construction activity (i.e. a coincidence of events that is of extremely low probability of happening).

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

(a) that exceptional circumstances justify the granting of the permit; or

(b) that the discharge is of a temporary nature; or

(c) that the discharge is associated with necessary maintenance work—

and that it is consistent with the purpose of this Act to do so.

The assessments in this AEE 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 be felt at times, but not consistently, during the construction period of the Project – expected to be in the order of six years;
    - Any effects on the coastal environment will be those associated with sediment transport firstly from construction areas, then from streams that discharge into the Inlet, and lastly into the Inlet;
    - The resultant effects are related to the effect of sediment on the Inlet and include effects on marine communities including marine worms and shellfish (and marine vegetation such as grasses);
    - The assessment of effects on the marine environment (**Technical Report 10**) demonstrates that there will be moderate adverse effects arising in some instances when a combination of a number of factors coincide, and that the probability of this happening is small. This is considered to be an exceptional circumstance in terms of the tests of Section 107;
    - 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 - and these are described in Part H of this report; and

- Moderate adverse effects are only likely to arise when a combination of exceptional events all coincide at once, and there are a range of measures that can be used to further reduce the chances of all these factors coinciding – as discussed in the Ecological Impact Assessment report.

- There will be no ongoing 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 fact, the retirement, revegetation and replanting of large areas of land in the upper catchments of Horokiri and Pauatahanui streams will have a significant positive effect on water quality in the longer term. This work is also likely to result in less sediment runoff from the land surrounding the route, and will be consistent with Section 107.
- It will be consistent with the purpose of the Act to grant the discharge permit because the effects will be as a result of an unusual combination of weather and construction conditions, and have a very low probability of occurring all at once and generating a more than minor effect. This is discussed in the assessment of the Project against Part 2 (below) and in Part G of this AEE.

In summary, it is considered that this Proposal will meet the tests outlined in section 107 of the Act.

32.18 Assessment of Part 2 matters

Section 104(1)(b) of the RMA sets out the planning documents which the BoI shall have regard to when considering an application for resource consent and any submissions received. Similarly section 171(1)(a) of the RMA sets out the matters which a BoI must have particular regard to when considering a notice of requirement and any submissions received. This chapter has provided an assessment against those planning matters. In both cases, the considerations of sections 104 and 171 are subject to Part 2 of the RMA, which sets out the purpose and principles of the Act and which are central to determining the appropriateness of the NoRs and resource consent applications being sought for this Project.

The consideration of matters in sections 104 and 171 in relation to consideration of the resource consent applications and notices of requirement are "subject to Part 2", and the section 5 purpose of the RMA is to promote the sustainable management of natural and physical resources as defined by section 5(2). That definition of "sustainable management" is as follows:

> *"In this Act, **sustainable management** means 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), other matters (section 7) and the principles of the Treaty of Waitangi (section 8) which should be responded to.

In promoting sustainable management, there is often the requirement to balance consideration of competing resource values and the benefits and adverse effects of a Project. In particular, for the designation of a public work, this balance involves considering the scale of often regional or national benefits for the wider community with the more localised adverse effects of the Project (and its activities) on the environment, including on people, communities, and [natural resources and values].

In terms of section 5 of the RMA, the construction of this part of the Wellington 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, particularly in the Porirua area, by improving accessibility and connectivity, particularly between economic centres and through new connections across the Region – consistent with the NZTA's project objectives;
- Providing significant community, social and transport benefits including:
    - resilience in the transport network;
    - health and safety benefits through reduced incidence of crashes both on the new route, and on the existing routes through reduced traffic flows;
    - reducing traffic flows on the existing SH1 making the local environments more pleasant – for example, through making it easier to get into and out of side streets, and walk along the road and cross the road with less traffic passing;
    - social and economic benefits through improved travel time reliability and quicker trips;
    - improved reliability for freight movements and resulting economic benefits;
    - completing a portion of the Wellington Northern Corridor - an alternative strategic transport corridor to the existing SH1 coastal route.

The completion of the Project is consistent with the Region's Land Transport Strategy, 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 from the above planning assessment are made:

- In terms of sustaining the potential of natural and physical resources for future generations, the Project is intended to meet the growing transportation needs of the Region and does not preclude future opportunities for other land transport development, such as improvements to public transport, particularly rail, and improvements to walking and cycling routes;
- The Project safeguards the life supporting capacity:
    - of air – by reducing congestion and improving air quality both regionally and at a local level for the coastal communities where the existing SH1 passes through them;

- of water – because whilst there will be a short term adverse effect on water quality from sediment deposition, there will be important long terms benefits arising from the retirement of land, revegetation and planting under the upper catchments of streams;
- of soils – by the management of construction works (to control erosion and land disturbance) and remediation of sites of land contamination. In the long term there will be noticeable benefit overall as land alongside the route and other rural areas (240ha) will be retired.
- of ecosystems – by avoiding, remedying and mitigating the adverse effects on ecological values of the Project, including freshwater, herpetofauna, avian and vegetation ecology and through avoidance of and off-set mitigation for the permanent loss of streams retirement of land including riparian areas, there will, in the long term, be a noticeable ecological benefit overall.
- 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.

- The Project 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 (Part H of this AEE).

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

- The Project will, for the most part, have no more than a minor adverse effect on the natural character of the Coastal Marine Area. There is a very low probability of an extreme weather event coinciding with construction activities and wind and wave patterns that may cause some loss of marine communities in the Porirua Harbour. However, the probability of this happening is very low, and in the longer term, as a direct result of the Project, water quality will be improved;
- The Te Puka Stream will be permanently realigned in some parts as part of the construction of the road. Whilst this is a permanent effect, the effects will be remedied, mitigated and offset over the entire Project route;
- The Project protects and in some cases will enhance areas of natural character, particularly the margins of wetlands and rivers, and the upper reaches of the Horokiri and Pauatahanui Streams. In some cases the long term water quality of streams will be enhanced, and the quality of instream habitats will be improved. Overall, the Project will result in an improvement in the freshwater habitat;
- The Project is not expected to adversely affect any outstanding natural features of landscapes;
- Assessment has been undertaken of the ecology of the Project area and areas of significant indigenous vegetation will be re-established (and the effects are therefore mitigated) and through enrichment, retirement and new planting, the Project overall does not result in any significant effects on habitats of indigenous fauna; Some improvement overall can be expected;
- The maintenance and enhancement of public access to and along the Coastal Marine Area and streams is provided for by the construction of new and replacement walking, cycling and horse riding paths;

- The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wahi tapu, and other taonga has been provided for through the implementation of protocols for engagement with tangata whenua;
- The protection of historic heritage has been provided for, particularly through redesigning of the route to avoid one notable heritage structure (brick fuel tank) and providing an access to view that structure (where non is currently provided) and by the careful management of construction activities to avoid adverse effects on St Josephs Church. The Project will have a positive benefit for the church insofar as its access will be realigned for improved safety and visibility for visitors; and
- 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 sections 7 and 8 of the RMA. While not exhaustive, the following are considered particularly relevant:

- The kaitiakitanga of tangata whenua has been recognised in seeking specific cultural impact statements from mana whenua in the Project area (**Technical Report 18**). 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 Maori of rangatiratanga over their resources and taonga in particular);
- The ethic of stewardship has been recognised through:
    - engagement with and participation of tangata whenua in workshops and working groups early in the Project's development process; and
    - engagement with community groups who have specific interest in and who have exercised stewardship over particular resources. This includes the Maraeroa community marae at Waitangirua, and the Pauatahanui Inlet (including Pauatahanui Inlet Community Trust – PICT - and Guardians of Pauatahanui Inlet - GOPI);
- The efficient use and development of the rest of the existing State highway network and the potential to improve the use of the network, has also been recognised in providing for better connections to SH58 and existing SH1, along with local roads, which will improve the functioning and use of the wider network;
- Recognition has been given to the maintenance and enhancement of amenity values, particularly for residential communities through the assessment of noise emissions (and resulting noise mitigation), air quality, CEMP, the landscape and visual assessment (and the resulting planning for landscape and urban design mitigation) and in the assessment of alternatives for the Project;
- It is acknowledged that there are amenity impacts of the Project, particularly for rural communities who currently enjoy a "green" outlook where they will in future look out onto a road. While these are not outstanding landscape areas, the works do represent a significant impact (in the short and medium term), on these visual catchments. There will also be amenity effects associated with noise and emissions for residents. While the planting and other mitigation proposed will mitigate these effects in the long term, the Project represents a permanent and considerable change to the amenity for these communities.

It is considered that the benefits of this Project alongside the proposed measures to avoid, remedy and mitigate the adverse effects of the Project, leads to the conclusion that the Project achieves sustainable management of natural and physical resources and is consistent with the purpose and principles of the Act. It is considered that the purpose of the RMA will be achieved by confirming the NoRs and granting the resource consents sought.