

## 4 Statutory considerations

### Overview

In making a determination on whether or not to confirm the designation and grant the resource consent applications, the RMA requires consideration of a number of statutory documents. These include the relevant provisions of national, regional and district level planning documents. In addition, there are a range of 'other matters' that may be considered. The RMA does not define what 'other matters' are to be considered; however, it is accepted that these can include matters outside the RMA, including non-statutory processes.

This Chapter provides a brief description of the main statutory considerations of relevance to this Project. An analysis of the Project against the relevant provisions in these documents is provided in Part I of this AEE, and the full wording of the relevant provisions is outlined in Technical Report 2, Volume 3.

### 4.1 Introduction

In considering a NoR (under section 171) and the applications for resource consent (under section 104), regard must be given to various matters.

These include a range of RMA documents and relevant non-RMA documents. In particular, section 171(9) (which applies through section 149P) requires consideration of any relevant provisions of:

- a national policy statement;
- a New Zealand Coastal Policy Statement;
- a regional policy statement; or proposed regional policy statement;
- a plan or proposed plan (regional and district); and
- any other matter which the consent authority considers is reasonably necessary to determine the application.

Section 104 requires the consideration of the same set of RMA documents, as well as any relevant provisions of:

- a national environmental standard; and
- other regulations.

This Chapter sets out those key statutory, non-statutory documents and regulations that have been considered in the development of the Project, providing a brief description of the main aspects of relevance to the Project. An assessment of the Project against these relevant documents is provided in

Part I of this AEE. The full wording of the provisions of each relevant document is contained in Technical Report 2, Volume 3.

## 4.2 National Policy Statements

The purpose of a national policy statement (NPS) is to state objectives and policies for matters of national significance which are relevant to achieving the purpose of the RMA (section 45(1)).

There are currently two national policy statements of relevance to the Project:

- National Policy Statement on Electricity Transmission (NPS ET); and
- National Policy Statement for Freshwater Management (NPS FM).

The only other relevant NPS is the New Zealand Coastal Policy Statement 2010 (NZCPS). The purpose of the NZCPS is to state policies in order to achieve the purpose of the RMA in relation to the coastal environment of New Zealand (section 56).

### 4.2.1 National Policy Statement on Electricity Transmission 2008

The NPS on Electricity Transmission (NPS ET) came into effect on 10 April 2008.

The objective of the NPS ET is:

*“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.”*

As described in Chapter 6, Volume 2, the proposed Expressway crosses under the HAY-BNN 220kV transmission line near Smithfield Road, and thus the effects on the electricity transmission network will need to be considered and managed in accordance with the NP SET.

An assessment of the Project in relation to the NPS ET is provided in Part I, Chapter 35, Volume 2 of this AEE.

### 4.2.2 National Policy Statement for Freshwater Management 2011

The NPS for Freshwater Management (NPS FM) came into effect on 1 July 2011.

The NPS FM sets out objectives and policies for freshwater management. Two of the objectives in the NPS are to safeguard freshwater’s life-supporting capacity, ecosystem processes and indigenous species, in sustainably managing:

- the use and development of land and discharges of contaminants; and
- the taking, using, damming, or diverting of fresh water.

The NPS FM contains the following five groups of objectives and policies:

- water quality (A)
- water quantity (B)
- integrated management (C)
- tangata whenua roles and interests (D); and
- progressive implementation programme (E)

The Project includes works that have implications for some areas of freshwater in the District. Accordingly, an assessment of the Project in relation to the NPS FM is provided in Part I, Chapter 35, Volume 2 of this AEE.

### 4.3 New Zealand Coastal Policy Statement 2010

The current New Zealand Coastal Policy Statement (NZCPS) came into effect on 3 December 2010. The NZCPS sets out policies in order to achieve the sustainable management of the natural and physical resources in relation to the coastal environment of New Zealand. Both land-based and coastal activities are required to have regard to the NZCPS, which provides guidance on the management of the coastal environment to local authorities.

The NCPS provides that the coastal environment encompasses not only the coastal marine area (CMA), but also:

- Islands within the CMA;
- Areas where coastal processes, influences or qualities are significant, including coastal lakes, lagoons, tidal estuaries, salt marshes, coastal wetlands and the margins of these;
- Areas at risk from coastal hazards;
- Coastal vegetation and the habitat of indigenous coastal species including migratory birds;
- Elements and features that contribute to the natural character, landscape, visual qualities or amenity values;
- Items of cultural and historic heritage in the coastal marine area or on the coast; Inter-related coastal marine and terrestrial systems, including the intertidal area zone; and
- Physical resources and built facilities, including infrastructure, that have modified the coastal environment.

There is some uncertainty as to the scope of the term 'coastal environment'. The seaward limit is 12 nautical miles offshore from the line of mean high water springs (roughly the high tide). The inland limit is not defined in law and varies from region to region according to local geography.

For the avoidance of doubt, an assessment of the Project in relation to the objectives and policies of the NZCPS is provided in Part I, Chapter 35, Volume 2 of this AEE.

## 4.4 National Environmental Standards

A national environmental standard (NES) is a regulation made under section 43 of the RMA. The standards are mandatory and have the force of regulations, and apply nationally. Where the rules in regional and district plans are either more lenient than the rules in the NES and the NES does not expressly say that a plan rule can be more stringent than it, the local authority is required to amend their plan to remove the conflict between the NES and the plan rules.

There are four NES's which are considered relevant, or potentially relevant, to the Project:

- The Resource Management (National Environmental Standards for Air Quality) Regulations 2004;
- The Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007;
- The Resource Management (National Environmental Standards for Electricity Transmission; Activities) Regulations 2009; and
- The Resource Management (National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2001.

### 4.4.1 National Environmental Standards for Air Quality 2004

The National Environmental Standards for Air Quality<sup>21</sup> (NES AQ) are intended to protect public health and the environment of New Zealand by, among other things, setting ambient air quality concentration limits for certain air pollutants. Different parts of the NES AQ came into effect between 2004 and 2006.

Schedule 1 of the NES AQ sets out ambient air quality concentration limits for the following:

- carbon monoxide (CO);
- nitrogen dioxide (NO<sub>2</sub>);
- sulphur dioxide (SO<sub>2</sub>);
- ozone; and
- fine particulate matter (PM<sub>10</sub>).

An assessment of the Project in relation to the NES AQ is provided in Part I, Chapter 35, Volume 2 of this AEE.

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<sup>21</sup> Resource Management (National Environmental Standards Relating to Certain Air Pollutants, Dioxins and Other Toxics) Regulations 2004, gazetted on 9 September 2004.

#### 4.4.2 National Environmental Standards for Sources of Human Drinking Water 2007

The NES for Sources of Human Drinking Water<sup>22</sup> (NES SHDW) came into effect on 20 June 2008.

The NES SHDW aims to reduce the risk of contamination of drinking water sources by requiring regional councils to consider the effects of certain activities on drinking water sources when granting water permits or discharge permits. Sources of drinking water have been identified in the vicinity of the Project, including sources of both private and Council supplies. No consents relating to this standard are required for the Project.

#### 4.4.3 National Environmental Standards for Electricity Transmission 2009

The NES for Electricity Transmission (NES ET) came into effect on 14 January 2010. The NES sets out a national framework of permitted activities and consent requirements for most activities that relate to the operation, maintenance, upgrading, relocation or removal of existing electricity transmission lines. Activities regulated by the NES ET include the operation, maintenance and upgrading of existing lines. This NES is applicable to the Project as relocation of some transmission lines will be required. An assessment of the Project in relation to the NES ET is provided in Part I, Chapter 35, Volume 2 of this AEE.

#### 4.4.4 National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011

The NES CSHH came into effect on 1 January 2012. It contains a set of nationwide regulations for undertaking certain land use activities and subdivisions in relation to contaminated or potentially contaminated land. The NES CSHH is intended to increase protection for human health. The provisions of the NES have particular emphasis on methods of sampling contaminated soil and providing the findings of investigations to the relevant territorial authorities. The NES CSHH identifies five activity categories that are subject to the regulations:

- Removing or replacing fuel storage systems
- Sampling of soil to determine whether or not it is contaminated
- Disturbing the soil
- Subdividing land
- Changing the use of land to a use that because the land is contaminated or potentially contaminated, is likely to harm human health.

Sections of the Project area have soil that exceeds the permitted volumes detailed in the Regulations and therefore require consent. An assessment of the Project against the NES CSHH is provided in Part I, Chapter 35, Volume 2 of this AEE.

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<sup>22</sup> Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007, gazetted on 20 December 2007.

## 4.5 Regional Policy Statements

The following documents are relevant to the Project:

- the operative Regional Policy Statement for the Wellington Region; and
- the proposed Regional Policy Statement for the Wellington Region.

### 4.5.1 Operative Wellington Regional Policy Statement 1995

The Operative Regional Policy Statement for the Wellington Region (RPS) became operative on 15 May 1995.

The RPS identifies the regionally significant issues around the management of the Region's natural and physical resources and sets out what needs to be achieved (objectives) and the way in which those objectives will be achieved (policies and methods). Both regional and district plans are required to give effect to the RPS.

Chapters of the Operative RPS that are relevant to the Project are:

- the iwi environmental management system (Chapter 4);
- freshwater (Chapter 5);
- soils and minerals (Chapter 6);
- air (Chapter 8);
- ecosystems(Chapter 9);
- landscape and heritage (Chapter 10);
- natural hazards (Chapter 11);
- energy (Chapter 12);
- waste management and hazardous substances (Chapter 13); and
- the built environment and transport (Chapter 14).

An assessment of the Project in relation to the RPS is provided in Part I, Chapter 35, Volume 2 of this AEE.

### 4.5.2 Proposed Wellington Regional Policy Statement

Although the Operative RPS still has effect, there is also a Proposed Regional Policy Statement for the Wellington Region (PRPS), which was publicly notified on 21 March 2009. Hearings were held in November 2009 and GWRC's decisions on the submissions to the PRPS were released in May 2010. The PRPS is currently subject to appeals to the Environment Court although none of the points of appeal are directly relevant to the Project. The NZTA has not lodged an appeal to the PRPS. Relevant resource management issues of the Project which are addressed in the PRPS include:

- air quality (Section 3.1);
- coastal environment (including public access) (Section 3.2)
- energy, infrastructure and waste (Section 3.3);
- fresh water (including public access) (Section 3.4);
- historic heritage; (Section 3.5)
- indigenous ecosystems (Section 3.6);
- landscape (Section 3.7);
- natural hazards (Section 3.8);
- regional form, design and function (Section 3.9);
- resource management with tangata whenua (Section 3.10); and
- soils and minerals (Section 3.11).

The PRPS also defines 'regionally significant infrastructure' and contains objectives and policies regarding recognising the benefits of and protecting regionally significant infrastructure. The definition of 'regionally significant infrastructure' includes the strategic transport network as defined in the 2007-2016 Wellington Land Transport Strategy; that definition includes SH1 and the Kāpiti Western Link Road.

An assessment of the Project in relation to the PRPS is provided in Part I, Chapter 35, Volume 2 of this AEE.

## 4.6 Regional Plans

The GWRC administers five regional plans to assist in carry out its functions under the RMA. These plans are:

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

An assessment of the Project in relation to the objectives and policies of each of the relevant regional plans is contained in Part I, Chapter 35, Volume 2 of this AEE.

#### 4.6.1 Regional Freshwater Plan for the Wellington Region 2000

The Regional Freshwater Plan for the Wellington Region (RFP) became operative on 17 December 1999. There have been four plan changes which have been made operative since 1999.<sup>23</sup>

The RFP applies to most freshwater in the region, including water in rivers, lakes, streams, ponds, aquifers and artificial water courses, but excluding any freshwater in the coastal marine area. It also applies to all land in river and lake beds. The RFP applies to all types of activities that take, use, dam or divert freshwater, discharge contaminants into freshwater or that are located in the beds of rivers and lakes. Activities covered by the RFP which are relevant to the Project include:

- discharges to freshwater;
- the taking, using, or diverting of freshwater and groundwater;
- disturbing river beds;
- building and modifying structures in river beds;
- removal of structures in/over river beds;
- construction of bores;
- removal of vegetation in beds of rivers.

An assessment of the Project in relation to the RFP is provided in Part I, Chapter 35, Volume 2 of this AEE.

#### 4.6.2 Regional Air Quality Management Plan for the Wellington Region 2000

The Regional Air Quality Management Plan for the Wellington Region (RAQMP) became operative on 8 May 2000. There has been one plan change to the RAQMP, which was made operative in 2003.

The RAQMP applies to discharges to air in the whole of the region, except for the coastal marine area (CMA). The RAQMP contains objectives, policies, methods and rules related to managing the air quality impacts of the discharge of contaminants to air. An assessment of the Project in relation to the RAQMP is provided in Part I, Chapter 35, Volume 2 of this AEE.

#### 4.6.3 Regional Coastal Plan for the Wellington Region 2000

The Regional Coastal Plan for the Wellington Region (RCP) became operative on 19 June 2000.

There are no proposed plan changes to the RCP currently notified. The RCP applies to the CMA of the region. The CMA includes the foreshore, seabed and coastal water, and the air space above the water, between the outer limits of the territorial sea and the line of mean high water springs. It also includes

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<sup>23</sup> This includes the recent Transmission Gully Plan Change (operative 10 October 2011), which is not of relevance to the Project



parts of the rivers immediately landward of mean high water springs. The RCP identifies areas of significant conservation value within the CMA.

The Project does not have any activities that take place in the CMA or affect any areas of significant conservation value within it. However, some of the activities involved in the Project do have the potential to cause effects in the coastal environment. This relates to the potential effects on streams and the Waikanae River, all of which ultimately discharge to the coastal environment.

An assessment of the Project in relation to the RCP is provided in Part I, Chapter 35, Volume 2 of this AEE.

#### 4.6.4 Regional Plan for Discharges to Land for the Wellington Region 1999

The Regional Plan for Discharges to Land for the Wellington Region (RPDL) became operative on 17 December 1999. Plan Change 1 to the RPDL came into effect on 1 September 2003.

The RPDL applies to the whole of the Region, except the CMA. It aims to manage the discharge of contaminants to land, whether or not the discharge enters water, in order for the receiving environment to be sustainably managed. Provisions of the RPDL of relevance to the Project are:

- the discharge of stormwater and treated water to land; and
- the discharge of contaminated fill to land.

An assessment of the Project in relation to the RPDL is provided in Part I, Chapter 35, Volume 2 of this AEE.

#### 4.6.5 Regional Soil Plan for the Wellington Region 2000

The Regional Soil Plan for the Wellington Region (RSP) became operative on 9 October 2000. Plan Change 1 (made operative on 1 September 2003) changed the definition of 'soil' in the RSP but there were no changes to the rules.

The RSP applies to the whole of the region, except the CMA. It identifies issues to be addressed so that the effects of soil disturbance and vegetation clearance can be sustainably managed. Objectives, policies, and methods (including rules) are set out in the RSP to address these issues.

The project is located entirely within Area 1 of the RSP.

Activities addressed by the RSP which are relevant to the Project include:

- roading and tracking activities; and
- vegetation disturbance on erosion prone land.

An assessment of the Project in relation to the RSP is provided in Part I, Chapter 35, Volume 2 of this AEE.

## 4.7 Kāpiti Coast District Plan 1999

The KCDP became operative on 30 July 1999. The District Plan includes the following three operative plan changes as follows:

- Private Plan Change 69 Waikanae North Developments (operative 19 March 2009)
- Plan Change 79 Waikanae North Urban edge (operative 26 March 2010)
- Private Plan Change 80 Ngarara (operative 22 March 2010)

The Council is currently undertaking a review of the KCDP. This has to date involved the issue of a series of discussion documents and background work to produce a set of draft District Plan provisions. However, no Proposed Plan has been publicly notified to date. There are no plan changes relevant to this project.

The vision for the KCDP (as set out in Section A.7 of the Plan) includes provision for a variety of lifestyles, recreational and cultural experiences and basic infrastructure, whilst protecting the natural environment and cultural heritage of the District. The KCDP also seeks to provide and maintain public utility services, and a transport system which meets high standards of environmental protection and provides for safe and efficient movement of people and freight through the District, with and between communities, as well as offering residents a selection of transport mode alternatives. The KCDP also recognises the District as a major growth centre in the region, and sets an objective to continue to provide water, essential public utility systems, efficient arterial traffic links and employment opportunities for the community, whilst conserving and enhancing natural resources, valuable agricultural land, visual values and taonga (treasures, spiritual, physical) and protecting land, air and water from pollution.

The Project is proposing to designate land in the following KCDP zones:

- Residential zone;
- Town Centre zone;
- Rural zone;
- Open Space zone;
- River Corridor zone; and Ngarara zone.

In addition to the underlying zoning, there are a number of other KCDP notations recorded against parts of the area to be designated as follows:

- Notional Road (Ihakara Street);
- Outstanding Landscape (Waikanae River);
- Ecological Sites (K066 – Te Harakeke Swamp and K170 – El Rancho Manuka Wetland);
- Waahi Tapu Sites (W1 – Takamore Cemetery and W4 – Takamore Waahi Tapu Area);
- Low Impact Urban Area (Ngarara Zone);

- EcoHamlet (Ngarara Zone);
- High Voltage Transmission Lines; and
- Natural Gas Lines.

The objectives and policies of these zones, and any provisions that apply district wide provisions, will be relevant to the consideration of the NoR.

For these activities, the relevant objectives, policies and rules of the KCDP will be applicable in the consideration of the resource consent applications.

An assessment of the Project in relation to the KCDP is provided in Part I, Chapter 35, Volume 2 of this AEE.

#### 4.8 Other relevant regulations

Regulations may be made for various purposes as listed under section 360(1) of the RMA.

Regulations relating to the Measurement and Reporting of Water Takes<sup>24</sup> (MRWT Regulations) came into effect on 10 November 2010. These regulations were made under section 360(1)(d) of the RMA. This regulation is relevant to the Project as the NZTA is seeking resource consent for water take.

The regulations require consent holders to keep records and provide reports to regional councils on their consented water takes. Water takes for the Project will need to comply with these regulations.

#### 4.9 Other relevant matters

For the resource consent applications, the BoI must have regard to “any other matter the consent authority considers is relevant and reasonably necessary to determine the application” (section 104). For the NoR, a BoI must have regard to any other matter it considers reasonably necessary in order to make the decision (section 171(1)(d)).

The RMA does not define what matters are to be considered under these sections. However, it is accepted that these can include matters outside the RMA, including non-statutory processes. It is considered that there are a number of other non-RMA matters relevant to the assessment of the Project. Factors that were used to determine what other relevant matters to consider were:

- the subject and spatial relevance of the matter;
- whether the matter had been through a public process; and

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<sup>24</sup> Resource Management (Measurement and Reporting of Water Takes) Regulations 2010, gazetted on 26 August 2010.

- whether the outcome of the matter (for example, a plan or strategy document) was widely publically available.

Some of the matters relevant have already been identified (and discussed) in Part A Chapter 2 Background to the Project. These include the following documents:

- Government Policy Statement on Land Transport Funding 2009/10 – 2018/19 – prepared under the LTMA;
- New Zealand Transport Strategy 2008;
- National Infrastructure Plan 2011;
- Western Corridor Plan 2006;
- Wellington Regional Land Transport Strategy 2010–2040 – prepared under the LTMA; and
- Wellington Regional Strategy 2007.

In addition, the following matters are also considered to be relevant “other matters” and are briefly discussed below:

- National Land Transport Programme (2009–2012) – prepared under the LTMA;
- National State Highway Strategy (2007);
- The 2011/12 State Highway Plan;
- NZTA Environmental Plan (2008);
- Getting There – On Foot, By Cycle Strategic Implementation Plan 2006–2009 – Ministry of Transport;
- New Zealand Urban Design Protocol (2005);
- Wellington Conservation Management Strategy (1996) – prepared under the Conservation Act 1987;
- Greater Wellington Parks Network Plan (2011);
- Draft Regional Freight Plan – Greater Wellington Regional Council (2011);
- Kāpiti Coast Choosing Futures: Community Plan (2009);
- KCDC Development Management Strategy (2007);
- KCDC Sustainable Transport Strategy (2008);
- KCDC Cycleways, Walkways and Bridleways Strategy (2009);
- KCDC Subdivisions and Development Principles and Requirements (2005);
- Kāpiti Coast Streetscape Strategy and Guideline (2008); and
- Proposed National Policy Statement on Indigenous Biodiversity.

An assessment of the Project in relation to these other relevant matters is provided in Part I, Chapter 35, Volume 2 of this AEE.

#### 4.9.1 National Land Transport Programme (2009- 2012)

The NZTA Land Transport Programme gives effect to the Government Policy on Land Transport Funding. It lists the land transport activities which have either been approved for funding or are proposed for funding from the national land transport fund over the following three financial years.

An assessment of the Project in relation to this Programme is provided in Part I, Chapter 35, Volume 2 of this AEE.

#### 4.9.2 National State Highway Strategy (2007)

The NZTA New Zealand National State Highway Strategy (NSHS) responds to the New Zealand Transport Strategy and describes the NZTA's goals, objectives, policies and priorities for the state highway system. It sets out how the NZTA will move towards and manage the operation and development of the State highway system as part of a multi-modal transport system over 30 years. It also sets out how the State highway system will support economic transformation and the objectives of the New Zealand Transport Strategy.

An assessment of the Project in relation to this Strategy is provided in Part I, Chapter 35, Volume 2 of this AEE.

#### 4.9.3 The 2011/12 State Highway Plan

The State Highway Plan sets out NZTA's State highway annual work programme, within the context of the wider NZTA strategic priorities. It provides internal guidance on how the State highway network can be best developed to achieve the Government's objectives and meet customer needs, while balancing available funding over the period. There are five strategic priorities that influence this Plan as follows:

- Delivering the roads of national significance;
- Improving road safety;
- Improving customer service and reducing compliance costs;
- Improving public transport; and
- Improve freight efficiency.

#### 4.9.4 Transit (now the NZTA) Environmental Plan (2008)

The Transit Environmental Plan's (TEP) purpose is to set a framework for managing the interface between the environment and the State highway system in a way that improves environmental sustainability and public health in New Zealand. The NZTA's environment policy is to be socially and environmentally responsible and improve the contribution of State highways to the environmental and social wellbeing of New Zealand by:

- Protecting and enhancing the environment where appropriate;
- Avoiding adverse effects to the extent reasonable in the circumstances;

- Using and managing resources efficiently;
- Considering environmental issues early;
- Contributing to sustainable outcomes by working with others; and
- Continually improving environmental performance.

The TEP outlines the key social and environmental impacts that typically result from the construction and operation of the State highway network (for example, noise, air quality, and heritage impacts), and discusses methods to address these impacts.

An assessment of the Project in relation to this Plan is provided in Part I, Chapter 35, Volume 2 of this AEE.

#### **4.9.5 Getting There – On Foot, By Cycle – Strategic Implementation Plan 2006- 2009**

Getting There – On Foot By Cycle, is essentially a New Zealand cycling and walking strategy. The document was published in 2005 in response to the New Zealand Transport Strategy 2002 and sets out a strategy to advance walking and cycling in New Zealand transport. It is a high level strategic document with a vision of:

*“A New Zealand where people from all sectors of the community walk and cycle for transport and enjoyment”.*

The document recognises that not all New Zealanders have independent access to motor vehicles and therefore cycling and walking needs be provided for.

An assessment of the Project in relation to the “Getting There – On Foot, By Cycle – NZ Transport Strategy” is provided in Part I, Chapter 35, Volume 2 of this AEE.

#### **4.9.6 New Zealand Urban Design Protocol (2005)**

The New Zealand Urban Design Protocol (NZUDP) aims to make New Zealand’s towns and cities more successful by applying quality urban design principles when developing in these areas. The NZUDP identifies seven essential key design qualities that together create quality urban design. These qualities include context, character, choice, connections, creativity, custodianship and collaboration.

Both the NZTA and KCDC are signatories to the NZUDP and it has been taken into consideration in the development of the Project. In particular, an Urban and Landscape Design Framework has been prepared to provide an outline of the key urban design principles to be applied to the project and within which detailed design has been developed. Refer to Technical Report 5, Volume 3 for further detail on the Urban and Landscape Framework.

An assessment of the Project in relation to the NZUDP is provided in Part I, Chapter 35, Volume 2 of this AEE.

#### 4.9.7 Wellington Conservation Management Strategy (1996)

The Wellington Conservation Management Strategy 1996 (WCMS) is a statutory document prepared under Part 3A of the Conservation Act 1987 which implements general policies and establishes objectives for the integrated management of natural (including land and species) and historic resources managed by DOC under various Acts.

This document is relevant as the project passes through QE Park. An assessment of the Project in relation to the WCMS is provided in Part I, Chapter 35, Volume 2 of this AEE.

#### 4.9.8 Greater Wellington Parks Network Plan Greater Wellington Regional Council (2011)

The Greater Wellington Parks Network Plan (GWPNP) came into effect on 1 January 2011. It is a statutory document prepared by the GWRC under section 41 of the Reserves Act 1977. It combines and supersedes previous separate management plans for each of the regional parks in the Wellington region. As the Project will affect part of the QE Park, which is one of the parks and reserves managed under the GWPNP, the provisions of the Plan are relevant.

An assessment of the Project in relation to the GWPNP is provided in Part I, Chapter 35, Volume 2 of this AEE.

#### 4.9.9 Draft Regional Freight Plan – Greater Wellington Regional Council (2011)

The Wellington Regional Freight Plan (Freight Plan) is one of a number of implementation plans that have been developed to respond to the Regional Land Transport Strategy (RLTS). The Freight Plan identifies issues and opportunities in relation to improving rail and road freight efficiency and reliability both within the Wellington region and between regions.

The Freight Plan was published in 2007 and an updated document was published in draft for consultation in April 2011. The Freight Plan is a supporting document to the RLTS, as it provides a pathway to implement the RLTS objectives and policies that are relevant to freight. Since the adoption of the current Freight Plan in 2007, there have been a number of changes to the context within which freight is planned for. These include:

- the growth of just-in-time delivery of services;
- the consolidation of freight distribution hubs;
- trends pointing towards a doubling of the amount of freight moving throughout New Zealand in the next 30 years; and
- the price of diesel is expected to become more volatile but will increase overall.

The draft Regional Freight Plan 2011 responds to these changes by broadening the scope of the action programme from that contained in the 2007 plan. The draft 2011 plan now includes relevant work being done at a national level by the NZTA (including the projects to upgrade the RoNS) and the KiwiRail Turnaround Plan (which focuses on improving the reliability and economic performance of rail freight).

An assessment of the Project in relation to the Regional Freight Plan is provided in Part I, Chapter 35, Volume 2 of this AEE.

#### 4.9.10 Kāpiti Coast Choosing Futures: Community Plan (2009)

Kāpiti Coast Choosing Futures: Community Plan is the name of the KCDC's Long Term Plan (LTP) prepared under the Local Government Act 2002. The LTP was adopted by KCDC on 3 June 2009, prior to the NZTA's decision that the proposed Expressway was its preferred option for upgrading the Wellington RoNS between MacKays Crossing and Peka Peka being announced. There are seven community outcomes identified in the Plan as follows:

1. There are healthy natural systems which people can enjoy;
2. Local character is retained within a cohesive District;
3. The nature and rate of population growth and development is appropriate to community goals;
4. The Community makes wise use of local resources and people have the ability to act in a sustainable way on a day to day basis;
5. There is increased ability to work locally;
6. The District is a place which works for young people;
7. The District has a strong, healthy, safe and involved community.

Detailed sections of the LTP provide a strategy for Council activities through the implementation of a range of projects and programmes that will contribute to the achievement of Community Outcomes.

It should be noted that, under the section headed 'Major Projects', it states that the KCDC is committed to building a Western Link Road.

An assessment of the Project in relation to the Kāpiti Coast Choosing Futures: Community Plan is provided in Part I, Chapter 35, Volume 2 of this AEE.

#### 4.9.11 KCDC Development Strategy (2007)

The KCDC Development Management Strategy was published in September 2007. It was produced as part of the overall 2003/04 Choosing Futures: Community Plan. When the 2009 Choosing Futures Plan was adopted (superseding the 2003/04 version), the Development Management Strategy (2007) remained applicable. The document contains KCDC's strategy for the management of development and settlement patterns by setting out a framework for:

- the management of location and intensity of growth pressures and change
- improvement to the quality of the built environment



- the development management processes that Council will use over time.

An assessment of the Project in relation to the KCDC Development Strategy is provided in Part I, Chapter 35, Volume 2 of this AEE.

#### 4.9.12 KCDC Sustainable Transport Strategy (2008)

This document was published in 2008 and, according to its introduction, is –

*“deliberately entitled ‘Towards a Sustainable Transport System’. It is concerned with reshaping the local transport system to a position where it has the characteristics of a sustainable system. It is about dealing with key problems which are a barrier to sustainable outcomes.”*

The document contains five focus areas, being:

- Overall Transport System
- Shifting Travel Modes
- Network Hierarchy
- Vehicle Fleet Emissions
- Living with the State Highway

The document recognises that a second arterial route through the Kāpiti Coast is required, with reference to the proposed Western Link Road (Note, the document was published before the NZTA Board’s decision regarding the MacKays to Peka Peka Expressway proposal).

An assessment of the Project in relation to the KCDC Sustainable Transport Strategy is provided in Part I, Chapter 35, Volume 2 of this AEE.

#### 4.9.13 KCDC Cycleways, Walkways and Bridleways Strategy (2009)

The Cycleways, Walkways and Bridleways Strategy was published by KCDC in December 2009 as part of the overall Kāpiti Coast: Choosing Futures (LTP). The strategy gives direction for the future planning of cycling, walking and horse riding in Kāpiti, as well as providing a foundation for implementation of a network that will enhance the user’s experience of walkways, cycleways and bridleways. The vision of the strategy is that:

*“The Kāpiti Coast is renowned for its walking, cycling and horse riding”.*

An assessment of the Project in relation to the Cycleways, Walkways and Bridleways Strategy is provided in Part I, Chapter 35, Volume 2 of this AEE.

#### 4.9.14 KCDC Subdivisions and Development Principles and Requirements (2005)

The KCDC's Subdivisions and Development Principles and Requirements (2005) was published in 2005, and, among other things, sets out what KCDC requires from all developers in the District with regard to the provision for cycling, walking and bridleways.

There is one transportation objective in the document, being:

*"..to plan, provide and maintain an efficient roading network appropriate to the level of use that will ensure the safe and orderly passage of road users (including cyclists) and pedestrians throughout the Kapiti Coast District. The Council wishes to encourage pleasant, walkable neighbourhoods, with a low speed environment, which provides increased amenity by, for example, enhancing connectivity, decreasing the area of "black top", differentiating parking bays and providing associated landscaping."*

An assessment of the Project against the Subdivisions and Development Principles and Requirements is provided in Part I, Chapter 35, Volume 2 of this AEE.

#### 4.9.15 KCDC Streetscape Strategy and Guideline (2008)

The Kāpiti Coast Streetscape Strategy and Guideline was published in 2008. This strategy and guideline support the assessment of subdivision consents and proposed upgrades of existing streets. It provides design guidance to enable a coordinated approach to streetscapes. The streetscape of SH1 is included in the document. Important issues and elements of the existing SH1 streetscape in the Kāpiti Coast District are recognised in the document as including:

- The lack of access to highways means they are often treated as 'backs' to land use, with solid fencing and poor interfaces presented. The use of back-lane or slip-road approaches in particular can reduce connection issues.
- Reverse sensitivity issues (especially related to large freight vehicles in terms of noise, visual and air pollution) means uses turn their backs to highways, which causes the loss of passive surveillance;
- State Highways are not designed for pedestrians or cyclists, as such there are inherent safety issues that limit crossing opportunities to selected signalled interchanges within certain town centres;
- Changes to the strategic network, including new or realigned sections of the highway and new on / off ramps can isolate communities and further limit crossing opportunities;
- Large-scale concrete barriers or acoustic fences can present monotonous mass for several continuous kilometres, reducing the quality of views of the District;
- Interchanges act as critical entry / departure gateways to the District and towns within it. The opportunity to integrate these with land uses, specific art or architectural statements, and other treatments to maximise this 'front door' effect have traditionally been ignored in other places.

Key treatments to improve the streetscape of the different categories of road are provided within this document.

An assessment of the Project in relation to the KCDC Streetscape Strategy is provided in Part I, Chapter 35, Volume 2 of this AEE.

#### **4.9.16 Proposed National Policy Statement on Indigenous Biodiversity**

The proposed National Policy Statement on Indigenous Biodiversity (NPSIB) is intended to provide clearer direction to local authorities on their responsibilities for managing indigenous biodiversity under the Resource Management Act 1991. It outlines policies and decision-making frameworks for the identification and management of indigenous biodiversity found outside the public conservation estate. The proposed NPSIB also 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.

While the NPS is not operative, and therefore has no statutory weight, for completeness it has been referred to here.