

**IN THE ENVIRONMENT COURT  
WELLINGTON REGISTRY**

**I TE KŌTI TAIAO O AOTEAROA  
TE WHANGANUI-A-TARA ROHE**

---

**ENV-2023-WLG-000005**

<b>UNDER</b>	the Resource Management Act 1991 (the Act)
<b>IN THE MATTER</b>	the direct referral of applications for resource consents and notices of requirement under sections 87G and 198E of the Act for the Ōtaki to North of Levin Project
<b>BY</b>	<b>WAKA KOTAHI NEW ZEALAND TRANSPORT AGENCY</b>  Applicant

---

**STATEMENT OF EVIDENCE OF HELEN ANDERSON ON BEHALF OF HOROWHENUA  
DISTRICT COUNCIL AND KĀPITI COAST DISTRICT COUNCIL**

**PLANNING**

---

Dated: 26 September 2023

## TABLE OF CONTENTS

A.	INTRODUCTION .....	1
B.	CODE OF CONDUCT .....	1
C.	SCOPE OF EVIDENCE.....	2
D.	OUTSTANDING ISSUES .....	4
	Taylors Road Southern Interchange.....	6
	Adequacy of the CEDF in respect of urban design and landscape design .....	9
	The Design Review Audit process .....	11
	Tangata Whenua Values conditions.....	12
	Hydrology and Flooding – modelled flooding effects .....	13
	Terrestrial/Freshwater Ecology.....	15
	Water Quality – Stormwater design, operations and maintenance .....	16
	Air Quality – Dust Deposition Effects .....	18
	Noise and Vibration.....	19
	Local Road Network Pre and Post Construction Survey .....	21
	Network Integration Plan.....	22
	PC4 East West Arterial and Tara-Ika .....	22
	Other condition amendments.....	24
E.	RESPONSE TO SECTION 274 PARTY EVIDENCE.....	27
	Amelia Geary – Forest and Bird .....	27
	Karen Prouse .....	28
	Anna Carter (Planning) – Karen and Stephen Prouse .....	29
	Equestrian Advocacy Groups - Provision of a Multi-use path / Bridleway ..	29
	Phil Jaggard (Stormwater and Flooding) - Kianga Ora .....	30
	John Bent.....	30
F.	OTHER MATTERS .....	30
G.	CONDITIONS.....	31
H.	CONCLUSION .....	31
	APPENDIX A - PROPOSED DESIGNATION AND REGIONAL CONSENT CONDITION AMENDMENTS .....	32

**A. INTRODUCTION**

- [1] My name is Helen Margaret Anderson. I am a Technical Director of Planning at GHD. I have held that role since December 2019. I am a full member of the New Zealand Planning Institute.
- [2] I prepared a report (required by section 198D of the Resource Management Act 1991 (“**RMA**”)) on the Notices of Requirement (“**NoRs**”) lodged with Horowhenua District Council and the Kāpiti Coast District Council (“**District Councils**”) relating to the Ōtaki to North of Levin Highway Project (“**Ō2NL Project**” or “**Project**”). My report was prepared on behalf of the District Councils and was dated 28 April 2023 (“**s198D Report**”).
- [3] In the s198D Report, I reviewed the application from Waka Kotahi for the NoRs addressing the matters required by section 198D of the RMA.
- [4] I confirm I have the qualifications and experience set out at paragraphs [8] – [12] of my s198D Report and that I have completed a site visit.
- [5] Since filing my s198D Report I have reviewed the evidence of Waka Kotahi and on 10, 11 and 14 August 2023, I participated in expert conferencing on Planning. The output of that conferencing was a joint witness statement dated 10, 11 and 14 August 2023 (“**Planning JWS**”). I confirm the contents of the Planning JWS. I discuss any remaining issues and/or related conditions below.

**B. CODE OF CONDUCT**

- [6] I repeat the confirmation provided in my s198D Report that I have read and agree to comply with the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023. This evidence has been prepared in accordance with that Code. Statements expressed in this evidence are within my area of expertise, except where I state I am relying on the opinion or evidence of other witnesses.

## C. SCOPE OF EVIDENCE

[7] My evidence addresses the following:

- (a) The extent to which issues identified in my s198D Report have been resolved through Waka Kotahi evidence, expert conferencing and mediation and provides a summary of outstanding issues identified by the District Councils technical experts in their evidence.
- (b) A response to section 274 party evidence.
- (c) Conditions.

[8] In preparing this evidence I have reviewed the following :

- (a) The NoR and all supporting documents, including the section 92 response dated 23 December 2022.
- (b) The version of the draft conditions proposed by Waka Kotahi following mediation, as lodged with the Court and provided to the parties on 4 September 2023 ("**Final Draft Proposed Conditions**").
- (c) The s198D Assessments and Statements of Evidence for the District Councils of:
  - (i) Bryn Hickson Rowden – Terrestrial and Freshwater Ecology
  - (ii) Julia Williams – Landscape and Visual
  - (iii) Siiri Wilkening – Noise and Vibration
  - (iv) Michala Lander – Social Impact
  - (v) Justine Bennett – Stormwater and Water Quality
  - (vi) John McArthur – Hydrology/Flooding Natural Hazards
  - (vii) Mike Cullen – Urban Economics
  - (viii) David Dunlop – Transport for Kāpiti Coast District Council

- (ix) Tim Kelly – Transport for Horowhenua District Council
  - (x) Graeme McIndoe – Urban Design
  - (xi) Sarah Newall – Contaminated Land
  - (xii) Peter Stacey – Air Quality.
- (d) The section 87F Planning report prepared by Mark St Clair on behalf of Greater Wellington Regional Council and Horizons Regional Council.
- (e) Evidence of Lonnie Dalzell (Project Overview) on behalf of Waka Kotahi NZ Transport Agency dated 4 July 2023.
- (f) Evidence of Grant Eccles (Planning: Statutory Assessment) on behalf of Waka Kotahi NZ Transport Agency dated 4 July 2023.
- (g) Evidence of Ainsley McLeod (Planning: Conditions) on behalf of Waka Kotahi NZ Transport Agency dated 4 July 2023.
- (h) Evidence of Siobhan Karaitiana (witness on behalf of Muaūpoko Tribal Authority) dated 4 July 2023.
- (i) Evidence of Quentin Parr (witness on behalf of Ngāti Raukawa) dated 4 July 2023.
- (j) Evidence of Sean Mallon (Interchange at Taylors Road) on behalf of Kāpiti Coast District Council dated 26 September 2023.
- (k) Section 274 Evidence of Anna Carter – Planning on behalf of Prouse Trust Partnership, dated 15 September 2023.
- (l) Section 274 Evidence of Karen Prouse, dated 12 September 2023.
- (m) Section 274 Evidence of Amelia Gerry on behalf of Forest and Bird dated 15 September 2023.
- (n) Section 274 Evidence from Shelly Warwick, Jacqui Lane, Richard Schimpf, Arthur Yeo and Steve Lewis, including an opening statement, lodged by the Kapiti Equestrian Advocacy Group, Horowhenua Equestrian

Advocacy Group and the NZ Equestrian Advocacy Network, received by parties on 21 September 2023.

(o) Section 274 Evidence of Phil Jaggard (Stormwater and Flooding) on behalf of Kainga Ora, dated 12 September 2023.

(p) Section 274 Statement of evidence ('Memorandum') of John Bent, dated 12 September 2023.

(q) Section 274 Statement of evidence ('Submissions') of Gary Williams, dated 12 September 2023.

(r) Section 274 Statement of evidence ('Submission') of Alan Jamieson, dated 18 August 2023.

(s) Section 274 Evidence of Speldhurst Country Estate, dated 8 September 2023.

#### **D. OUTSTANDING ISSUES**

[9] Many of the issues identified in my s198D Report<sup>1</sup>, which are discussed in the Planning evidence and technical evidence of Waka Kotahi, have been resolved through the Technical Expert Conferencing, as detailed in the Planning JWS and other technical expert JWS's, and in the Final Draft Proposed Conditions (which were provided by Waka Kotahi following mediation)<sup>2</sup>.

[10] On review of the of the evidence presented by Waka Kotahi and Councils' Technical Experts, I consider that in terms of an overall planning analysis of the NoRs, having particular regard to the s171(1) matters, there are no District Plan specific matters that remain outstanding or are in dispute. The remaining issues between Council witnesses and Waka Kotahi witnesses relate to conditions only.

<sup>1</sup> S.198D report of Helen Anderson (Planning) on behalf of Kāpiti Coast District Council and Horowhenua District Council, dated 28 April 2023, para 16(c) Table listing key issues identified by Councils' Technical Experts.

<sup>2</sup> Ōtaki to north of Levin Highway Project Draft Conditions [Mediation version], circulated to parties on 4 September 2023.

- [11] I note however that the Tangata Whenua Values suite of conditions (DTW1 & DTW2) are yet to be provided, therefore the residual cultural effects of the Project have not yet been shown to be mitigated. Therefore I am unable to assess whether the Project is consistent with the relevant objectives and policies of the relevant planning documents in relation to cultural matters at this time.
- [12] In relation to flooding effects, based on advice from experts and as recorded in the JWS Flooding and Hydrology, I consider that consistency with the relevant HDC and KCDC District Plan objectives and policies has been achieved. However, I understand that from a Regional perspective, there continues to be some tension between Regional Policy Statement (RPS) Policies 3.3 (Infrastructure of regional importance), 9.3 (New critical infrastructure) and 9.5 (Climate change). This matter is addressed in the evidence of Mark St Clair and I rely on Mr St Clair's assessment.
- [13] The East West Arterial (EWA) and pedestrian/cycle overbridges connections to Tara-Ika (a growth area to the east of Levin identified in the Horowhenua District Plan) was an issue raised in my s198D report, and was also identified in the JWS Planning as an outstanding issue. I am now aware that Horowhenua District Council and Waka Kotahi are working on finalising a commercial agreement in relation to the EWA, and therefore further consideration of this matter is limited in my evidence to explaining the position that has been reached. I address this below in my evidence.
- [14] On review of my s198D Report, the Planning JWS, the Final Draft Proposed Conditions and issues identified as outstanding by the District Council witnesses in evidence, I am of the view that the following issues remain outstanding:
- (a) Taylors Road Southern Interchange
  - (b) Adequacy of the Cultural and Environmental Design Framework (CEDF) condition DTW5 in respect of Urban Design and Landscape Design
  - (c) The design review audit process as set out in condition DTW5

- (d) Tangata Whenua Values conditions
  - (e) Hydrology and flooding – modelled flooding effects
  - (f) Ecology in relation to timing of indigenous buffer planting
  - (g) Water quality in relation to stormwater design, operation and maintenance
  - (h) Air quality in relation to dust deposition effects on roof collected water systems.
  - (i) Noise and vibration in relation to preparation of SSNVMPs, timing of installation of the low road noise surface and minor amendments to noise and vibration conditions
  - (j) Traffic and transport matters relating to local road pre and post condition survey and preparation of a Network Integration Plan
  - (k) Other minor condition amendments to improve readability and correct some grammatical errors.
- [15] For completeness I note that there are no outstanding issues raised by District Council experts in relation to contaminated land, social impacts or urban economics.

#### **Taylors Road Southern Interchange**

- [16] The evidence of Sean Mallon, Group Manager of Infrastructure Services at Kāpiti Coast District Council (KCDC)<sup>3</sup>, explains that the design of the Taylors Road Interchange included in the NoR maintains (as an alternative route to the new highway) the existing connection to the old State Highway 1 via the underpass (Waitohu Stream bridge) under the PP2Ō expressway.
- [17] Mr Mallon’s evidence sets out the background and history to the proposed design of the Interchange at Taylors Road, how the current connection to

---

<sup>3</sup> Evidence of Sean Mallon (Interchange at Taylors Road and the need for a suitable alternative arterial connection in the vicinity of the Southern Interchange), on behalf of Kāpiti Coast District Council, dated 26 September 2023.



State Highway 1 via the underpass (Waitohu Stream bridge) under the PP2Ō expressway came to be, the fact that such a connection was only ever intended to be temporary, and why such a connection is not suitable as an alternative route/connection.

- [18] Mr Mallon states that the proposed alternative connection included in the NoR (via the underpass (Waitohu Stream bridge) under the PP2Ō Expressway) has poor geometric design and poor resilience to a flood event greater than 5% AEP<sup>4</sup>.
- [19] He also states that if an accident were to occur between the Southern Ōtaki Interchange and Taylors Road Interchange, all the traffic from the new highway would need to be diverted to the north via the proposed Taylors Road arrangement under the Waitohu Stream Bridge. The existing local road arrangement is not suitable for that purpose<sup>5</sup>.
- [20] The transport evidence of David Dunlop<sup>6</sup> also supports Mr Mallon's view that a suitable (safe and resilient) two-way local arterial access in the vicinity of Taylors Road is required.
- [21] The JWS Transport<sup>7</sup> records that four potential design options for Taylors Road Interchange were discussed, with various preferences expressed by the experts. Option 3 (half interchange as proposed in the NoR, but with a two way secondary arterial as an alternative connection as requested by KCDC) was agreed by all experts to provide the best overall transport outcome but was noted to likely fall outside the proposed designation boundaries<sup>8</sup>.
- [22] Mr Dunlop notes in his evidence<sup>9</sup> that following the Transport Expert Conferencing, he has further investigated whether both a two-way arterial and half interchange is feasible within the constraints of the proposed designation boundary. In his opinion, a two-way access can be achieved

---

<sup>4</sup> Evidence of Sean Mallon, para 30.

<sup>5</sup> Evidence of Sean Mallon, paras 7 & 33.

<sup>6</sup> Evidence of David Dunlop (Transport), on behalf of Kāpiti Coast District Council, dated 26 September 2023, para 17.

<sup>7</sup> Joint Witness Statement – Transport, dated 24 July 2023.

<sup>8</sup> The JWS Transport describes Option 3 as: a full interchange with two way secondary arterial.

<sup>9</sup> Evidence of David Dunlop, para 19.

within the proposed designation footprint, with an indicative design included as Attachment A to his evidence.

- [23] Overall, Mr Dunlop considers that the opportunity exists to provide a two-way alternative local arterial link connection between Taylors Road and the existing State Highway 1, while also providing the half interchange arrangement proposed by Waka Kotahi<sup>10</sup>.
- [24] Mr Dunlop considers that the benefits of providing this alternative connection outweigh the disadvantages. Mr Dunlop considers that the provision of a two-way alternative local arterial connection should be enabled through the conditions of the designation so that the proposed alternative design (or a variation thereof) can be considered further by Waka Kotahi at detailed design stage and included in the Outline Plan of Works<sup>11</sup>.
- [25] Mr Mallon states in his evidence<sup>12</sup> that Waka Kotahi has agreed to investigate amending the design of the interchange during the next phase of design (detailed design) to determine whether a two-way local arterial connection in the vicinity of Taylors Road can be provided. The Council is working with Waka Kotahi on an agreement in relation to this.
- [26] Paragraph [44] of Mr Mallon's evidence includes a condition which would enable a suitable alternative connection to be provided once the detailed design work has been completed. Mr Dunlop confirms at paragraph [28] of his evidence that he is comfortable with this condition.
- [27] I support the inclusion of a new designation condition that allows flexibility for Waka Kotahi to provide a suitable alternative arterial connection in the vicinity of Taylors Road at the OPW stage. I consider this is a pragmatic way to address this issue, given that Waka Kotahi has agreed to undertake the design work to determine whether the connection sought by KCDC (and which the Transport JWS records the Transport witnesses agreed formed part of the overall best transport outcome) can be provided.

---

<sup>10</sup> Evidence of David Dunlop, para 27.

<sup>11</sup> Evidence of David Dunlop, para 27.

<sup>12</sup> Evidence of Sean Mallon, para 41.

- [28] This new condition is provided in the Table included as **Appendix A** of my evidence.

#### **Adequacy of the CEDF in respect of urban design and landscape design**

- [29] The evidence of Gavin Lister on behalf of Waka Kotahi notes that the Cultural and Environmental Design Framework (CEDF) is in the process of being updated in conjunction with the Project Iwi Partners<sup>13</sup>. However in assessing the effects of the Project, the District Councils' experts must rely on the version of the CEDF as lodged (the CEDF Consent Version dated October 2022). The District Councils' experts consider that there are some deficiencies in the Consent Version CEDF and in condition DTW5 (which is the condition that requires the Project to be consistent with the CEDF and sets out the Design Review Audit process).
- [30] Ms Julia Williams, the District Councils' Landscape Expert<sup>14</sup>, considers that more assurance is required that the planting and associated soft landscape works will be consistent with Waka Kotahi's own landscape guidelines (Waka Kotahi Landscape Guidelines 2014). This is because currently there is no condition that requires the consequent landscape plans and specifications that will form part of the Outline Plan to be consistent with or in accordance with these guidelines.
- [31] The only relevant condition is DTW5 (which sits within the Tangata Whenua Values conditions), and that condition as currently worded only sets out a list of core design principles (Chapter 3 of the CEDF) but does not include detailed landscape principles. Additionally, in Ms Williams' opinion, CEDF Chapter 4 (which sets out the design review audit process) provides little detail on the qualitative principles and processes to be implemented (eg.

---

<sup>13</sup> Evidence of Gavin Lister (Landscape, Visual and Natural Character), on behalf of Waka Kotahi NZ Transport Agency, dated 4 July 2023, para 30(d).

<sup>14</sup> Evidence of Julia Williams (Landscape, Visual and Natural Character), on behalf of Horowhenua District Council and Kāpiti Coast District Council, Greater Wellington Regional Council and Horizons Regional Council, dated 26 September 2023, paras 14-20.

pest control, planting implementation and maintenance), to provide assurance that the final planting will establish and thrive.

- [32] It is Ms Williams' recommendation<sup>15</sup> that the guidance provided in the following sections of Waka Kotahi's Landscape Guidelines 2014 be considered in conjunction with the principles set out in the CEDF Chapter 3 and applied/added to the development of the (Chapter 4) design and design review audits for the Project:

Section 4 Part 3: Landscape Treatments

- 4.12 Topsoil
- 4.14 Planting and Vegetation Management
- 4.16 Further Planting Considerations
- 4.18 Materials Source and Supply

Section 4 Part 5:

- 4.22 Defects Liability and maintenance

- [33] Graeme McIndoe, the District Councils' Urban Design Expert, has also expressed concerns regarding the adequacy of the CEDF in ensuring suitable urban design quality is achieved by the Project. Mr McIndoe considers that requiring the Project to be consistent with Chapter 3 of the CEDF (Consent Version) will not ensure that there is a sound urban design outcome. In Mr McIndoe's opinion, the CEDF does not contain the range of standard, expected, and important urban design principles that would ensure delivery of an outcome of the quality that has been proposed in the application material<sup>16</sup>.

- [34] Mr McIndoe considers that the absence of urban design principles and criteria can be remedied by including reference in condition DTW5 to relevant sections of Waka Kotahi's '*Bridging the Gap*' Urban Design Guidelines (2013). Mr McIndoe recommends<sup>17</sup> that the guidance in the following sections of '*Bridging the Gap*' need to be added into condition DTW5:

---

<sup>15</sup> Evidence of Julia Williams, para 18.

<sup>16</sup> Evidence of Graeme McIndoe, para 19.

<sup>17</sup> Evidence of Graeme McIndoe, paras 20 & 22.

Part 2 – Supporting walking and cycling

- 4.5 Pedestrian paths
- 4.6 Pedestrian crossings
- 4.7 Cycle lanes and paths
- 4.8 Pedestrian and cycle bridges
- 4.9 Underpass design
- 4.10 Lighting
- 4.11 Crime prevention

Part 3 Highway components

- 4.12 Road bridges
- 4.13 Retaining walls
- 4.14 Earthworks
- 4.15 Noise barriers
- 4.16 Highway furniture
- 4.17 Stormwater management devices
- 4.19 Roundabouts
- 4.23 Public art

[35] Mr McIndoe also considers that this can provide a comprehensive and complete frame of reference for review of urban design matters, as the section headings of *Bridging the Gap* are a good fit with Waka Kotahi's proposed audit approach as set out in Chapter 4 of the CEDF<sup>18</sup>.

[36] I support Ms Williams' and Mr McIndoe's recommendations regarding including reference in condition DTW5 to relevant sections of Waka Kotahi's Landscape Guidelines 2014 and *Bridging the Gap: Waka Kotahi Urban Design Guidelines* (2013) because this greater level of detail on urban design and landscape matters will assist in ensuring the landscape and urban design outcomes proposed.

**The Design Review Audit process**

[37] With regard to the Design Review Audit process, Ms Williams' view is that the validity of the design audit relies on the expertise of the people who undertake it<sup>19</sup>. Mr McIndoe also considers that it is essential that the reviewers are suitably skilled and experienced in the matters that are to be considered in design and design review auditing.<sup>20</sup>

<sup>18</sup> Evidence of Graeme McIndoe, para 23.

<sup>19</sup> Evidence of Julia Williams, paras 21 – 22.

<sup>20</sup> Evidence of Graeme McIndoe, para 28.

- [38] Both Ms Williams and Mr McIndoe recommend that the Design Audit team include a person or persons with landscape and urban designer expertise and recommend that a new clause be added to DTW5 to reflect this.
- [39] I support this recommendation and I consider that it is appropriate to amend condition DTW5 to include a new clause requiring the team undertaking a Design Review Audit to include a suitably qualified person (or persons) with formal qualifications and expertise in landscape and urban design matters.
- [40] I also consider that condition DGA9 (Suitably Qualified Person) should be amended to reference the requirement for the Design Audit team to include people with expertise in landscape and urban design, to reflect the amendment made to DTW5. This change is supported by Ms Williams<sup>21</sup> and Mr McIndoe<sup>22</sup>.
- [41] The proposed amendments to condition DTW5 and DGA9 are provided in the Table included as **Appendix A** of my evidence.

#### **Tangata Whenua Values conditions**

- [42] In the Planning JWS (Item 5), it was noted that the Tangata Whenua Values suite of conditions (DTW1 & DTW2) are yet to be provided therefore the residual cultural effects of the Project have not yet been shown to be mitigated.
- [43] The Final Draft Proposed Conditions (circulated to parties on 4 September 2023) does not propose any conditions relating to Tangata Whenua Values, instead there are placeholders provided.
- [44] I am therefore unable to assess whether the Project is consistent with the relevant objectives and policies of the relevant planning documents in relation to cultural matters.
- [45] There is still a need for Waka Kotahi to provide conditions which adequately and appropriately address cultural effects as set out in submissions by

---

<sup>21</sup> Evidence of Julia Williams, para 47.

<sup>22</sup> Evidence of Graeme McIndoe, para 34.

tangata whenua, and to provide additional information to show how residual cultural effects have been appropriately mitigated.

- [46] Therefore prior to the Court making its decision, I request the ability to consider and comment on these conditions.

#### **Hydrology and Flooding – modelled flooding effects**

- [47] In my s198D Report<sup>23</sup>, I considered that the NoR was not consistent with the KCDC and HDC objectives and policies in relation to natural hazards<sup>24</sup> because there was insufficient information in relation to flooding effects to understand whether the Project was consistent with these provisions.
- [48] I came to this conclusion relying on the expert advice of John McArthur (as set out in his s198D report). Mr McArthur considered that there was insufficient information provided to support statements included in Technical Assessment F, particularly in relation to whether or not changes to flooding characteristics will be less than minor.
- [49] Grant Eccles has addressed this in his evidence<sup>25</sup>, concluding that in his view the Project is consistent with these objectives and policies because the flood modelling that has been undertaken for the Project has assessed an event larger than that required by the One Plan, and this shows that the effects of flooding outside of the designation are (at worst) transitory and minor.
- [50] The concerns raised by Mr McArthur and Peter Kinley (the Regional Councils' flood expert) regarding insufficient information have now largely been addressed through the provision of further flood modelling information by Waka Kotahi.
- [51] Also as noted in the JWS Hydrology and Flooding, the experts all agree that the 1.0% AEP event plus climate change to 2130 is an appropriate basis for assessing effects. I support this approach and consider applying 1.0%AEP

<sup>23</sup> S.198D report of Helen Anderson, para 16g) i).

<sup>24</sup> KCDC Natural Hazards – Objective DO-O5, Policies NH -P2, NH-P3, NH-P4 and NH-FLOOD-P12 and HDC Natural Hazards Natural Hazards – Objective 8.1.1 and Objective 8.2.1, Policies 8.1.4, 8.1.5, 8.1.6, 8.1.7, 8.1.8, 8.1.9, 8.1.13, 8.2.2, 8.2.3.

<sup>25</sup> Evidence of Grant Eccles, paras 338 – 336.

+CC is consistent with the HDC and KCDC District Plan Natural Hazards Objectives and Policies.

- [52] In relation to flooding effects, based on advice from experts and as recorded in the JWS Flooding and Hydrology, I consider that consistency with the relevant HDC and KCDC District Plan objectives and policies has been achieved. However, I understand that from a Regional perspective, there continues to be some tension between Regional Policy Statement (RPS) Policies 3.3 (Infrastructure of regional importance), 9.3 (New critical infrastructure) and 9.5 (Climate change). This matter is addressed in the evidence of Mark St Clair and I rely on Mr St Clair's assessment.
- [53] This tension has resulted in Councils' experts having concerns in relation to the acceptable scale of flooding effects and ensuring the detailed design of the Project and associated flood modelling outcomes are improved to an acceptable level.
- [54] Mr McArthur, the District Councils' Flooding and Hydrology expert, has reviewed the additional modelling information provided by Waka Kotahi's experts to Council experts on 28 July 2023, and considers that there are outstanding issues for hydrology and flooding relating to the acceptable scale of effects on existing flooding, and the adequacy of conditions to address these effects<sup>26</sup>.
- [55] Mr McArthur considers that the additional flood modelling information provided confirms that there are a number of locations where flood level increases in the 1% AEP design storm event modelled are in excess of 0.1 m (100 mm) outside the designation, and have the potential to increase the frequency of ponding and nuisance flooding at these locations<sup>27</sup>.
- [56] Mr McArthur's view is that flood level increase thresholds should be applied to urban and non-urban district plan zones and to buildings that are currently subject to flooding at the designation boundary. Mr McArthur also considers

---

<sup>26</sup> Evidence of John McArthur (Hydrology and Flooding) on behalf of Horowhenua District Council and Kāpiti Coast District Council, dated 2 September 2023, para 9.

<sup>27</sup> Evidence of John McArthur, paras 13 – 14.



that flood level increase threshold values of <0.05 m (50 mm) for residential zoned properties and < 0.1 m (100 mm) for rural zoned properties (except where existing buildings are already subject to flooding where the threshold level of < 0.01 m (10 mm) should apply) are appropriate<sup>28</sup>.

- [57] Mr McArthur considers that a condition quantifying an acceptable scale of flood effects is required. This is recorded in the JWS Hydrology and Flooding with the experts agreeing that the conditions currently don't provide any provision for design standards for flood effects. A condition would require that the final detailed design of the Project meets acceptable standards in relation to flooding<sup>29</sup>.
- [58] I support the inclusion of a condition that addresses flood effects on the environment outside the Project designation boundaries through inclusion of performance criteria (flood level increase thresholds) to be met during detailed design phase because this will ensure that buildings, people, land and roads are appropriately protected from changes to flood hazards arising for the construction of the Project.
- [59] This new condition (as recommended by Mr McArthur in his evidence) is provided in the Table included as **Appendix A** of my evidence.

### **Terrestrial/Freshwater Ecology**

- [60] Mr Bryn Hickson-Rowden, Councils' Terrestrial and Freshwater Expert, considers that the only outstanding issues relate to some minor changes that are required to the regional consent conditions, to reflect the agreed positions set out in the Freshwater and Terrestrial JWS<sup>30</sup>.
- [61] Mr Hickson-Rowden considers that an amendment needs to be made to condition RGA6, which is the condition that lists the documents or measures that are required to be prepared or undertaken by a suitably qualified person

<sup>28</sup> Evidence of John McArthur, para 19.

<sup>29</sup> Evidence of John McArthur, paras 21 -23.

<sup>30</sup> Evidence of Bryn Hickson-Rowden (Terrestrial and Freshwater Ecology) on behalf of Horowhenua District Council and Kāpiti Coast District Council, dated 26 September 2023, para 9.

or persons<sup>31</sup>. Mr Hickson-Rowden considers that there are several other activities within the conditions which should also be undertaken by a suitably qualified person, including:

- (a) the establishment of exclusion zones, placement of nest deterrents and the monthly and repeat surveys referred to in conditions RTE2, RTE3 and RTE4;
- (b) the salvage, capture and relocation of lizards and indigenous invertebrates addressed in conditions RTE5 and RTE6.

[62] He recommends that condition RGA6(a)(ii) be amended to also require that these activities be undertaken by a suitably qualified person.

[63] Mr Hickson-Rowden also considers that condition RTE7(b)(ii) should be amended, given the purpose of this buffer planting, so that the indigenous buffer planting is completed sooner than before the end of the first planting season following the Project being open to the public<sup>32</sup>.

[64] The amendments to conditions RGA6(a)(ii) and RTE7(b)(ii) seem reasonable in my view, as they will ensure stated ecological outcomes are met.

[65] Amendments to conditions RGA6(a)(ii) and RTE7(b)(ii) are provided in the Table included as **Appendix A** of my evidence.

#### **Water Quality – Stormwater design, operations and maintenance**

[66] The evidence of Justine Bennett identifies a number of issues, that in her view, remain outstanding in relation to water quality.

[67] The first issue relates to the provision of sub-plans relevant to water quality which form part of the CEMP to District Councils.

[68] Ms Bennett considers that in order for the District Councils to address their obligations under the NPS-FM in relation to water quality, the District Councils should be provided with a copy of the final certified versions of the

<sup>31</sup> Evidence of Bryn Hickson-Rowden, paras 14-15.

<sup>32</sup> Evidence of Bryn Hickson-Rowden, paras 19-20.

Ecology Management Plan (including the Freshwater Monitoring Plan) and the Erosion and Sediment Control Plan (and its sub-plan, the Erosion and Sediment Control Monitoring Plan) and that the District Councils should be provided with a copy of the associated monitoring reports and annual reports produced<sup>33</sup>.

- [69] While I consider that provision of this information to District Councils will be of interest to the Councils and undoubtedly worthwhile, it is my view that the Regional Councils' roles in certifying these plans is sufficient in terms of conditions required under the RMA (that role is currently set out in Schedule 2 CEMP Table SCH 2-1), particularly given the Regional Councils are the lead authority in relation to these matters. Requiring this information to also be provided or made available (for information purposes only) to the District Councils is not, in my view, necessary in terms of addressing an environmental effect or justified from a Resource Management perspective.
- [70] The Regional Councils' certification role, along with the provision of associated monitoring and annual reports to the Regional Councils, is in my view the appropriate process for ensuring the plans and associated reporting is adequate and meets the condition requirements.
- [71] I consider that there are other ways, in terms of the District and Regional Councils working together, that will achieve the intent of what Ms Bennett is suggesting, and that imposing amendments to the conditions as suggested by Ms Bennett is not required.
- [72] The second issue raised by Ms Bennett relates to the stormwater design review process and the need for the Regional Councils to be involved in the design review, particularly given the current level of design presented in the NoR is conceptual and does not provide sufficient certainty that the proposed design will meet the required design standards and treat stormwater to a best practice standard<sup>34</sup>.

---

<sup>33</sup> Evidence of Justine Bennett, on behalf of Kāpiti Coast District Council and Horowhenua District Council, dated 26 September 2023, paras 12 – 15.

<sup>34</sup> Evidence of Justine Bennett, paras 16 – 18.

- [73] Ms Bennett notes that the current conditions do not provide for any involvement by the Regional Councils in the design review process, and therefore she recommends that the Regional Councils' involvement in the design review of stormwater management devices should be required as part of condition RSW1.
- [74] The final issue raised by Ms Bennett is in relation to the Operations and Maintenance Plan (OMP), to require that an OMP is certified by the Regional Council<sup>35</sup>. Ms Bennett recommends amending condition RSW1(a)(ii) to include the requirement for an OMP to be certified by the Regional Councils. This would confirm the "requirement" referred to in Section 11.2 of Waka Kotahi's P46 Stormwater Specification.
- [75] In response to the s274 evidence of John Bent, in relation to ensuring that discharge of litter to receiving waters be avoided, Ms Bennett recommends that condition RSW1(d) be replaced with the following:
- Stormwater treatment systems shall be designed and operated such that they avoid, as far as practicable, the discharge of litter to the receiving environment.*
- [76] I consider that Ms Bennett's proposed amendments to RSW1 are appropriate. I understand that Mr St Clair is recommending amendments to regional consent conditions to address stormwater design, operation, and maintenance matters, including the issues raised by Ms Bennett in relation to Regional Condition RSW1, and therefore I rely on Mr St Clair's evidence in this regard.

#### **Air Quality – Dust Deposition Effects**

- [77] Mr Peter Stacey, Councils' Air Quality expert, has identified one issue that remains outstanding relating to potential dust deposition effects on roof collected water systems. Mr Stacey, in agreement with Mr Curtis (Waka Kotahi's Air Quality expert), considers that there should be a requirement, as part of the monthly dust inspections, for tank water to be tested to

---

<sup>35</sup> Evidence of Justine Bennett, paras 20 – 23.

determine if the drinking water system has been affected. Mr Stacey considers that the PM<sub>10</sub> monitoring trigger in condition RAQ1A should be deleted because of the risk that adverse effects of increased dust loading on roof-collected water system may not be identified<sup>36</sup>.

- [78] I consider that Mr Stacey's suggestion is appropriate. As the Air Quality conditions sit within the Regional consent conditions, I understand that Mr St Clair is recommending a change to condition RAQ1A to address this matter, and therefore I rely on Mr St Clair's evidence in this regard.

### **Noise and Vibration**

- [79] The evidence of Siiri Wilkening identifies that the only outstanding noise and vibration issues relates to the Site Specific Construction Noise and Vibration Management Plans (**SSNVMPs**). Ms Wilkening considers that these plans must be prepared by a suitably qualified person and should be provided to the Councils for either information or certification<sup>37</sup>.
- [80] Ms Wilkening has also identified that some further amendments are required to the conditions. I have addressed these further below in my evidence under the heading of 'Other Condition Amendments'.
- [81] In relation to the outstanding issues with the SSNVMPs (condition DNV4), Ms Wilkening's view is that the SSNVMP's, which are intended to be used to manage the highest noise and vibration events occurring during construction (and would therefore cause the highest impact on neighbouring buildings occupants and structures), require a suitably qualified and experienced person to prepare these plans<sup>38</sup>.
- [82] While condition DGA9(ii) requires that SSNVMPs (and the CNVMP) are prepared or overseen by a suitably qualified person, it is Ms Wilkening's opinion that this requirement needs to be made more explicit in condition

<sup>36</sup> Evidence of Peter Stacey (Air Quality) on behalf of Horizons Regional Council, Greater Wellington Regional Council, Kāpiti Coast District Council and Horowhenua District Council, dated 26 September 2023, para 23 -26.

<sup>37</sup> Evidence of Siiri Wilkening (Noise and Vibration) on behalf of Kāpiti Coast District Council and Horowhenua District Council, dated 26 September 2023, para 11.

<sup>38</sup> Evidence of Siiri Wilkening, para 13.

DNV4, to ensure that general Project staff (non-experts) do not take on this role, because they may not understand the prediction and measurement of construction vibration. This view is based on personal experience of Ms Wilkening from working with many construction contractors in preparing SSNVMPs<sup>39</sup>.

- [83] This matter was discussed at the Planning Expert conferencing, where it was recorded in the JWS – Planning at Item 13, that:

*‘All agree that Site Specific Construction Noise and Vibration Mitigation Plans (SSCNVMP) should be prepared by a suitably qualified person who is agreed with the district council. SSCNVMP's are to be provided to council for information and any comment from council on the schedules must be received within 48 hours of receipt of the schedules’, and also noting that any condition requiring agreement to a suitably qualified person by the Council would need to be offered by Waka Kotahi on an Augier basis.’*

- [84] Ms Wilkening recommends that condition DNV4(b) is amended to require the preparation of SSNVMPs to be overseen or audited by a suitably qualified person (SQP) approved by the District Councils<sup>40</sup>.

- [85] I support the recommendation of Ms Wilkening, although I note that requiring the Suitably Qualified Person to be approved by the District Councils may involve a reservation of discretion to the Councils, and therefore would preferably be offered by Waka Kotahi on an Augier basis. However, given the purpose of the SSNVMPs is to manage the highest noise and vibration events occurring during construction, i.e. those that are expected to exceed limits, it is important that these plans are prepared or overseen by a person with knowledge and expertise in this field. Additionally, by including the requirement that the specialist is agreed to by the District Councils, will mean that works can proceed as soon as the plans are finalised rather than waiting for Councils’ reviews of the SSNVMPs. The

<sup>39</sup> Evidence of Siiri Wilkening, paras 14-15.

<sup>40</sup> Evidence of Siiri Wilkening, paras 38 – 39.

conditions only provide a 2-day review timeframe for the Councils' (condition DNV4(e)).

- [86] The proposed amendments to condition DNV4 is provided in the Table included as **Appendix A** of my evidence.

#### **Local Road Network Pre and Post Construction Survey**

- [87] The construction of the Ō2NL Project will result in a significant level of construction truck traffic on the local road network, which could result in damage to the local roads. The effects of construction traffic / heavy vehicle movements are acknowledged in the evidence of Mr Peet<sup>41</sup>.
- [88] As noted in the evidence of Mr Kelly<sup>42</sup>, there is likely to be impacts on the local road network, or temporary changes required to the local road network (for example, around Taylors Road) while construction occurs, and therefore any damage that occurs to local roads should be remediated by Waka Kotahi to ensure that the local road network is returned to the pre-construction standard.
- [89] Both Mr Kelly<sup>43</sup> and Mr Dunlop<sup>44</sup> support the inclusion of a new condition in the designation conditions to address this issue.
- [90] I support this recommendation, noting that a similar condition was imposed on the designation for PP2Ō. Relying on the advice of Mr Kelly and Mr Dunlop, I consider that it is appropriate that a similar condition be imposed on the designation for Ō2NL.
- [91] This new condition is provided in the Table included as **Appendix A** of my evidence.

---

<sup>41</sup> Evidence of Phil Peet – Transport, on behalf of Waka Kotahi, dated 4 July 2023, paras 43 – 44.

<sup>42</sup> Evidence of Tim Kelly on behalf of Horowhenua District Council, dated 26 September 2023, para 19.

<sup>43</sup> Evidence of Tim Kelly, para 19.

<sup>44</sup> Evidence of David Dunlop, para 30.

### Network Integration Plan

- [92] The evidence of Mr Kelly<sup>45</sup> recommends that a new condition be included in the designation conditions requiring the preparation of a Network Integration Plan (NIP). The purpose of a NIP is to ensure the coordination of the new infrastructure with the existing road network. This is also supported by Mr Dunlop<sup>46</sup>.
- [93] A similar condition was imposed on the designation for PP2Ō, and relying on the advice of Mr Kelly and Mr Dunlop, I consider that it is appropriate that a similar condition be imposed on the designation for Ō2NL.
- [94] This new condition is provided in the Table included as **Appendix A** of my evidence.

### PC4 East West Arterial and Tara-Ika

- [95] The East West Arterial (EWA) and pedestrian/cycle overbridges connections in to Tara-Ika was an issue raised in my s198D report and the JWS Planning.
- [96] The issue related to how the Project treated Tara-Ika and the EWA and its resulting consistency (or absence of consistency) with the Horowhenua District Plan Objectives and Policies for Tara-Ika under s171 RMA.
- [97] While Mr Eccles and I agree that Tara-Ika and the EWA and strategic cycleways shown on the Tara-Ika Structure Plan (SP013) are not part of the 'existing environment' as defined by caselaw, we disagree with the extent to which s171 enables or requires a broader consideration of matters.
- [98] My view is that s171 allows, and indeed directs, a much broader consideration of matters than just looking at effects on the existing environment and addressing only those effects. I consider the provisions (objectives and policies) of Plan Change 4 Tara-Ika Growth Area (now in the District Plan) and the related Structure Plan (SP013) are relevant under s171.

---

<sup>45</sup> Evidence of Tim Kelly, para 21.

<sup>46</sup> Evidence of David Dunlop, para 30.



- [99] However, I am aware that Horowhenua District Council and Waka Kotahi are working on finalising a commercial agreement in relation to the EWA which will formalise the funding and construction arrangements for the EWA. This is also discussed in the evidence of Lonnie Dalzell, where he records that Waka Kotahi have offered to fund the overbridge<sup>47</sup>.
- [100] I further understand that this agreement will also account for other non-RMA matters, such as property acquisition, treatment of affected services, and the like. There may also need to be consideration of other parties development plans (and the need for further agreements), meaning that there are a number of 'moving parts' that fall outside the RMA process needing to be co-ordinated.
- [101] Given the wider complexities associated with giving effect to the Tara-Ika Structure Plan and the EWA, I consider it is appropriate in the circumstances to rely on a commercial agreement as the delivery mechanism for the EWA and strategic cycleways.
- [102] Because a commercial agreement is being progressed, the need to address the issues raised in Grant Eccles evidence, regarding the 'existing environment' and s171 more broadly in respect of the EWA, is not required.
- [103] Lastly on this topic I note that, given the range of consents required for the EWA bridge over Ō2NL, it would, in my view, potentially be more efficient for that part of the EWA that is bridged over Ō2NL to be provided for within the Ō2NL designation, enabling it to be constructed as part of Ō2NL (i.e. to construct that part of the EWA that passes over the Ō2NL expressway). The overall activity status of the EWA bridge is likely to be a discretionary activity under both the Horizons One Plan and the Horowhenua District Plan.
- [104] I consider that there is scope to have enabling provisions within the Ō2NL designation for the bridge part of the EWA (e.g. a condition that provides, subject to obtaining any necessary regional consents, Waka Kotahi may construct those parts of the overbridge that are within the Ō2NL designation footprint, in general accordance with the plans contained in Appendix A of

---

<sup>47</sup> Evidence of Lonnie Dalzell – Project overview, dated 4 July 2023, para 135.

Lonnie Dalzell's evidence). However, in the specific circumstances relating to the EWA and given the nature of the discussions between the parties, I do not in this evidence recommend that such a condition be included as I consider this is a matter for Waka Kotahi, as the requiring authority, to decide whether including such a condition would be beneficial.

#### **Other condition amendments**

[105] I have reviewed the proposed designation conditions and I consider that there are some minor amendments that are required to the following conditions to improve their readability and correct some grammatical errors. These conditions are:

- DGA6 – Outline Plan
- DGA7 – Revision of an outline plan

[106] I also note that in the Designation Conditions Index table there is reference to condition DPC1 Monitoring and management under the heading 'Post-Construction and On-Going Operation'. Due to consequential amendments made to the designation conditions at mediation, this condition was deleted, therefore reference to this condition in the Index also needs to be removed. It would be helpful for the Court and the parties if, in the final version prepared by Waka Kotahi for the hearing, the index provided page numbers alongside the condition headings, particularly as the conditions are not ordered alphabetically and way-finding can be difficult.

[107] There are also a number of other amendments to definitions and conditions that have been recommended by Councils' technical experts or identified in the JWS - Planning. These conditions are:

- (a) PPF/PPFs term/definition
- (b) DGA1 – General Accordance
- (c) Schedule 2 – CNVMP and DNV4 - Site specific construction noise and vibration mitigation
- (d) DNV1 - Construction noise limits

(e) DRN1 - Low-noise road surfaces

(f) DRN3 - Design of noise mitigation measures

[108] I address each of these below and provide the proposed amendments in the Table included as Appendix A of my evidence.

#### **PPF/PPFs term/definition**

[109] Siiri Wilkening has recommended that the last bullet point of the definition of PPF/PPFs is deleted because reference to outside playgrounds in childcare and school facilities is not relevant to construction noise. Deletion will ensure that construction noise and vibration is assessed at appropriate locations only and does not have an impact on the traffic noise PPFs as they are already specified in Schedule 9<sup>48</sup>.

#### **Condition DGA1 – General Accordance**

[110] In relation to condition DGA1 – General Accordance, as noted in the JWS - Planning (Item 20), it was agreed that *'the respective general accordance conditions should include reference to the parts of the section 92 response that alters the project described in the condition'*.

[111] I have therefore added reference to the relevant questions/responses in the s92<sup>49</sup> that in my opinion need to be referenced in condition DGA1. These questions are as follows:

- *Traffic and Transport – Response No.s 108 (and Attachment 1), 109 (and Attachment 2), 115 (and Attachment 3) and 118 (and Attachment 4);*
- *Hydrology and Flooding – Response No.s 178 (and Attachment 5) and 179 (and Attachment 6);*

<sup>48</sup> Evidence of Siiri Wilkening, paras 34 – 35.

<sup>49</sup> Refer the Letter from Waka Kotahi, dated 22 December 2022, to Horowhenua District Council and Kāpiti District Council titled 'Ōtaki to north of Levin Highway Project- Response to request for additional information pursuant to s.92 of the Resource Management Act 1991'.

- *Planning – Response No.s 185, 189 (and Attachment 7), 190 and 192 (and Attachment 8).*

## **Schedule 2 – CNVMP and condition DNV4 - Site specific construction noise and vibration mitigation**

- [112] Siiri Wilkening recommends replicating the information that is relevant to the SSNVMPs that is currently listed in Schedule 2 – CNVMP (o) into condition DNV4, so that all information relating to the SSNVMPs is also contained within the SSNVMP condition<sup>50</sup>.

### **Condition DRN1 - Low-noise road surfaces**

- [113] Ms Wilkening considers that the 18 month timeframe specified in condition DRN1(a) to implement the low noise road surface is excessive. Ms Wilkening's view is that the low road noise surface should be implemented on Day 1, or at the very least, as quickly as possible and no more 12 months of opening the road<sup>51</sup>. Ms Wilkening considers that condition DRN1(a) should be amended to require that the low road noise surface be installed within 12 months unless it not reasonably practicable to do so.

### **Condition DNV1 – Construction Noise Limits**

- [114] Ms Wilkening recommends that the receiver types in Table DNV1 are labelled the same, so 'other buildings that accommodate commercial activities' includes 'occupied' in the receiver type description<sup>52</sup>.

### **Condition DRN3 - Design of noise mitigation measures**

- [115] Ms Wilkening recommends that condition DRN3(b)(ii) be amended<sup>53</sup> to make it clear that it is the report referred to in (c) of the condition (which is the report provided to Councils as part of the Outline Plan) must provide the referenced 'confirmation' that the Design Change is the best practicable option.

<sup>50</sup> Evidence of Siiri Wilkening, para 36.

<sup>51</sup> Evidence of Siiri Wilkening, para 40.

<sup>52</sup> Evidence of Siiri Wilkening, para 37.

<sup>53</sup> Evidence of Siiri Wilkening, para 41.

- [116] Ms Wilkening also recommends that a new clause be added to DRN3(c) that requires the Best Practicable Option (BPO) assessment to be undertaken, and confirmation of the detailed design to be the BPO to be included in that report<sup>54</sup>.

#### **E. RESPONSE TO SECTION 274 PARTY EVIDENCE**

- [117] I have reviewed the s274 party evidence listed in paragraph [8] of my evidence.
- [118] Several matters have been raised in the s274 party evidence that are relevant to the NoR, with the majority of matters raised relating to technical matters. I therefore rely on the evidence of the Councils' technical experts in relation to responding to the following matters raised by s274 parties, as detailed below.

##### **Amelia Geary – Forest and Bird**

- [119] Amelia Geary (on behalf of Forest and Bird) raises issues in relation to the proposed conditions for the landscape and natural character plantings in relation to the lack of a robust approach specified in the conditions to increase the certainty that landscape and natural character effects of the highway will be successfully mitigated, and that the risk that these areas will become weed and pest animal sources.
- [120] Julia Williams has reviewed the s274 evidence of Amelia Geary, and in her opinion, Ms Williams considers that the landscape planting condition DLV1(b) meets current best practice for measuring planting success<sup>55</sup>. Ms Williams does however agree with Ms Geary that the level of detail provided in condition DTW5 does not provide assurance that the final planting will establish and thrive as a sustainable plant community. Ms Williams has recommended amendments to condition DTW5 to address this issue by adding reference in the condition to a requirement that Waka Kotahi's

---

<sup>54</sup> Evidence of Siiri Wilkening, para 42.

<sup>55</sup> Evidence of Julia Williams, para 35.

Landscape Guidelines 2014 principles be applied / added to the development of the design and the design review audits.

- [121] Relying on the evidence of Ms Williams, I consider that the issues raised by Ms Geary are adequately addressed.

**Karen Prouse**

- [122] Karen Prouse has raised a number of issues (that have been agreed in principal with Waka Kotahi) relating to: visual and landscape effects, access to the Prouse property (1024 Queen St East), and unresolved issues: operational road traffic noise and potential flooding effects.
- [123] The matter relating to the access to the Prouse property and retention of the existing cycleway at Queen St East is supported by Graeme McIndoe. Mr McIndoe also notes that the shared use path should be connected under the Queen St East overbridge because it would provide greater legibility and avoid road crossing<sup>56</sup>.
- [124] Tim Kelly notes that in relation to the provision of access arrangements, and retaining a right turn bay on Queen St East, that this seems to be reasonable, but is primarily a matter for Waka Kotahi<sup>57</sup>.
- [125] In relation to the issue regarding provision of additional acoustic treatment, Ms Prouse has provided an acoustic report from Jepsen Acoustics (Appendix 3 of her evidence). Siiri Wilkening has reviewed the Acoustic report and has some doubt about the outcome of the surveys and conclusions drawn and on that basis Ms Wilkening does not consider that building modification mitigation will be required at the homestead<sup>58</sup>.
- [126] Potential flooding issues identified by Ms Prouse have been reviewed by John McArthur. Mr McArthur considers that it is extremely likely that a flood increase < 0.05m can be achieved within the Prouse property in a 1% AEP

---

<sup>56</sup> Evidence of Graeme McIndoe, paras 30 – 31 & 43.

<sup>57</sup> Evidence of Tim Kelly, para 15.

<sup>58</sup> Evidence of Siiri Wilkening, para 28.

event modelled during the detailed design phase of the Project<sup>59</sup>, the increase in flood level identified as acceptable by Ms Prouse.

#### **Anna Carter (Planning) – Karen and Stephen Prouse**

- [127] The expert planning evidence of Anna Carter is focused on the Ashleigh Homestead and the land at 1024 Queen Street East, Levin. Ms Carter has identified a range of matters that have not been fully resolved through proposed consent conditions including; mitigation of visual and landscape effects, road traffic noise, stormwater management and flood risk, transport connections to the Prouse property, construction noise effects.
- [128] The issues raised by Ms Carter, are similar to those raised by Karen Prouse. Councils' technical experts have reviewed the evidence of Karen Prouse and Ms Carter, and their views on the issues raised have been addressed in paragraphs [123] to [126] above.
- [129] Ms Carter also considers that provisions specific to the Prouse property should be provided for in the designation conditions and the Regional consent conditions.
- [130] In my view, the proposed designation conditions adequately address the concerns raised by Ms Carter. Where appropriate, site-specific clauses have been included in the proposed designation conditions (eg. DGA6, DNV4, Schedule 2 CNVMP, Schedule 8 CAQMP), and therefore I do not consider that the inclusion of additional site-specific clauses is necessary.

#### **Equestrian Advocacy Groups - Provision of a Multi-use path / Bridleway**

- [131] The s274 statements of evidence provided by the Kāpiti Equestrian Advocacy Group, Horowhenua Equestrian Advocacy Group and NZ Equestrian Advocacy Network seek the provision of a multi-use path that provides for horse riders.

---

<sup>59</sup> Evidence of John McArthur, para 34.

- [132] With regard to the provision of a bridleway / multi-use path for Ō2NL, I can only comment from an effects perspective, and relying on the evidence of Michala Lander<sup>60</sup> and my own review of the evidence provided, there do not appear to be any adverse effects arising from the Ō2NL Project which necessitate the provision of bridleway / multi use path. In my view, provision of a bridleway / multi-use path that allows for horse riders, is not required in terms of addressing an adverse environmental effect, and this is therefore a matter for Waka Kotahi to address should it wish to.

#### **Phil Jaggard (Stormwater and Flooding) - Kianga Ora**

- [133] The s274 evidence of Phil Jaggard raises the following issues: lack of flooding conditions to manage flood effects and risk and flooding effects on Kianga Ora properties.
- [134] Mr McArthur has reviewed Mr Jaggard's evidence and agrees that there is currently a lack of flood hazard conditions. New conditions are proposed on the designation and Regional consent conditions to address this matter.

#### **John Bent**

- [135] Mr Bent raises an issue seeking that the discharge of floating contaminants to surface waters be avoided. Ms Bennett has considered this issue and recommends that condition RSW1(d) be amended to require that stormwater treatment systems be designed and operated such that they avoid, as far as practicable, the discharge of litter to the receiving environment.
- [136] I consider that with this amendment, the issue raised by Mr Bent is appropriately addressed.

### **F. OTHER MATTERS**

#### **Indigenous Biological Diversity**

---

<sup>60</sup> Evidence of Michala Lander (Social Impact) on behalf of Horowhenua District Council and Kāpiti District Council, dated 26 September 2023.



[137] I note that there are no conditions relating to indigenous biological diversity sitting in the designation conditions and that they all sit in the Regional Consent Conditions (eg. REM1 to REM19). While the District Councils do have a role to control land use to maintain indigenous biodiversity, within the Horizons Region, it has been decided, in consultation with the territorial authorities, that Horizons Regional Council should be the lead council agency for maintaining and improving biodiversity in the region. This is reflected in the Regional Policy Statement at Policy 6-1.

[138] I consider that having conditions relating to ecological matters included in the regional consent conditions rather than the designation conditions is appropriate and I am comfortable with this approach.

#### **G. CONDITIONS**

[139] I have reviewed the Final Draft Proposed Conditions (as updated by Waka Kotahi following mediation and circulated to the parties on 4 September 2023). I am comfortable with the majority of the proposed designation conditions. There are however amendments that I consider are required, that I have identified throughout my evidence. The proposed amendments to the designation and regional conditions are included in the Table at **Appendix A**.

#### **H. CONCLUSION**

[140] Many of the issues identified in my s198D Report have been resolved in the planning evidence and technical evidence of Waka Kotahi, through the Technical Expert Conferencing JWS or the Planning JWS or in the conditions agreed at mediation.

[141] It is my opinion that with the additional amendments proposed to the designation and regional consent conditions as outlined above, and provided at **Appendix A**, the effects of the Project will be appropriately avoided, remedied or mitigated.

**Helen Anderson**

**26 September 2023**

## **APPENDIX A - PROPOSED DESIGNATION AND REGIONAL CONSENT CONDITION AMENDMENTS**

## APPENDIX A

### Proposed Designation and Regional Consent Condition Amendments

*Note: Amendments are made to the Mediation Version of the Proposed Conditions (provided to parties on 4 September 2023). Tracked changes shown in the Mediation Version have been accepted, with the subsequent changes recommended and sought in the evidence for the District Councils shown in new tracked changes (additions are shown as red underline and deletions as ~~red strikethrough~~).*

	Designation conditions index
DPC1	<del>Post-Construction and On-Going Operation</del> <del>DPC1 — Monitoring and management</del>

*(Drafting Notes: As a consequential amendment to the conditions agreed at mediation, reference to condition DPC1 needs to be deleted from the Designation Conditions Index. It would be helpful too if this Index, in the final version, included page numbers for ease of reference, as the conditions are not listed alphabetically.)*

Abbreviation/ Acronym Term	Proposed amendment <i>Proposed additions are shown as <u>red underline</u> and deletions as red <del>strikethrough</del></i>
PPF/PPFs	For the purposes of Conditions DNV1, DNV2 and DNV4, protected premises and facilities, being spaces in buildings used for: <ul style="list-style-type: none"><li>• residential activities;</li><li>• marae;</li><li>• overnight medical care;</li><li>• teaching (and sleeping) in educational facilities;</li><li>• <del>playgrounds that are part of educational facilities that are within 20m of buildings used for teaching purposes.</del></li></ul>

Designation Condition	Proposed amendment <i>Proposed additions are shown as <u>red underline</u> and deletions as red <del>strikethrough</del></i>
DGA1	<b>General accordace</b>  a) Except as modified by the conditions below, the Project must be undertaken in general accordance with the following information provided in support of the Notices of Requirement for a Designation dated 1 November 2022: <ul style="list-style-type: none"><li>i. 'Volume II Notices of Requirement for a Designation and Application for Resource Consents: Supporting Information and Assessment of Effects on the Environment' Part C Project Description;</li></ul>

Designation Condition	Proposed amendment <i>Proposed additions are shown as <u>red underline</u> and deletions as red <del>strikethrough</del></i>
	<p>ii. 'Volume III Drawings and Plans' as follows:</p> <ul style="list-style-type: none"> <li>A. Geometrics: General Arrangement Plans;</li> <li>B. Geometrics: Plan and Long Sections;</li> <li>C. Geometrics: Typical Sections;</li> <li>D. Geometrics: Cross Sections;</li> <li>E. Structures; and</li> <li>F. Accommodation Works.</li> </ul> <p><u>iii. The letter from Waka Kotahi, dated 22 December 2022, to Horowhenua District Council and Kāpiti District Council titled 'Ōtaki to north of Levin Highway Project- Response to request for additional information pursuant to s.92 of the Resource Management Act 1991'</u></p> <ul style="list-style-type: none"> <li>- <u>Traffic and Transport – Response No.s 108 (and Attachment 1), 109 (and Attachment 2), 115 (and Attachment 3) and 118 (and Attachment 4);</u></li> <li>- <u>Hydrology and Flooding – Response No.s 178 (and Attachment 5) and 179 (and Attachment 6);</u></li> <li>- <u>Planning – Response No.s 185, 189 (and Attachment 7), 190 and 192 (and Attachment 8).</u></li> </ul> <p>b) Where there is inconsistency between the documents listed in clause (a) and the requirements of these conditions, these conditions prevail.</p>
DGA6	<p><b>Outline plan</b></p> <ul style="list-style-type: none"> <li>a) Except where Condition DGA7 or DGA8 applies, an outline plan or outline plans must be prepared and submitted to the District Council in accordance with section 176A of the RMA.</li> <li>b) An outline plan may be for the entire Project or for one or more stages, aspects, sections or locations of construction activities.</li> <li>c) An outline plan must include the following, where relevant to the particular <u>location</u>, design <u>or</u> construction <del>or location</del> matters being addressed: <ul style="list-style-type: none"> <li>i. the Construction Environmental Management Plan required by Condition DCM1 that includes a: <ul style="list-style-type: none"> <li>A. Construction Noise and Vibration Management Plan required by Condition DNV3; and</li> <li>B. Construction Traffic Management Plan required by Condition DCT1;</li> </ul> </li> <li>ii. the most recent Design Review Audit completed in accordance with Condition DTW5;</li> <li>iii. the report required by Condition DRN3;</li> </ul> </li> </ul>

Designation Condition	<b>Proposed amendment</b> Proposed additions are shown as <u>red underline</u> and deletions as red <del>strikethrough</del>
	<ul style="list-style-type: none"> <li>iv. the outcomes, including any recommended mitigation, of consultation with a suitably qualified and experienced person or persons regarding the potential heritage impacts of the Queen Street East pedestrian and cycling connection on 'Ashleigh', located at 1024 Queen Street East; and</li> <li>v. a revised assessment of visual effects required by Condition DLV2.</li> </ul>
DGA7	<p><b>Revision of an outline plan</b></p> <ul style="list-style-type: none"> <li>a) The documents and plans referred to in Condition DGA6(c)(i) may be amended to provide updated information or reflect changes in design or construction methods without the need for a further outline plan where: <ul style="list-style-type: none"> <li>(i) the proposed amendment is provided to the District Council at least ten (10) working days prior to the related activities being undertaken and,</li> <li>(ii) the potential effects <u>on the environment</u> <del>of from</del> the amendment <del>on the environment</del> are either positive or the same or similar in character, intensity, and scale to those described in the most recently <u>approved</u> <del>submitted</del> outline plan for the related works.</li> </ul> </li> <li>b) An outline plan must be submitted to the District Council where clause (a) does not apply, including where the District Council advises that an outline plan must be submitted for the amendment.</li> </ul>
DGA9	<p><b>Suitably qualified person</b></p> <ul style="list-style-type: none"> <li>a) The following documents or measures that are required to be prepared or undertaken by these conditions must be prepared or undertaken by a suitably qualified person or persons: <ul style="list-style-type: none"> <li>i. the revised assessment of visual effects required by Condition DLV2;</li> <li>ii. the preparation of Site Specific Noise and Vibration Mitigation Plans required by Condition DNV4;</li> <li>iii. a Construction Noise and Vibration Management Plan required by Condition DNV3;</li> <li>iv. a Construction Traffic Management Plan required by Condition DCT1;</li> <li>v. the design of noise mitigation measures required by Condition DRN3;</li> <li>vi. the Post-construction reviews of noise mitigation measures required by Condition DRN4; and</li> <li>vii. the prediction of noise categories required by Condition DRN6.</li> <li><u>viii. a Design Review Audit required by Condition DTW5, where the team undertaking the Design Review Audit must include a suitably qualified person (or persons) with formal qualifications and expertise in landscape and urban design.</u></li> </ul> </li> </ul>

Designation Condition	Proposed amendment <i>Proposed additions are shown as <u>red underline</u> and deletions as red <del>strikethrough</del></i>
DTW5	<p><b>Cultural and Environmental Design Framework</b></p> <p>a) The Project must be consistent with the Design Principles in Chapter 3 of the '<i>Cultural and Environmental Design Framework</i>', Consent Version, dated October 2022</p> <p><u>b) While achieving the consistency with the Design Principles directed by (a) above, appropriate regard must also be given to ensuring a fit-for purpose, high level of design quality, through consistency with the following sections of:</u></p> <p><u>i. 'Bridging the Gap: Waka Kotahi Urban Design Guidelines' (NZTA, October 2013):</u></p> <p><u>Part 2 – Supporting walking and cycling</u></p> <ul style="list-style-type: none"> <li>• <u>4.5 Pedestrian paths</u></li> <li>• <u>4.6 Pedestrian crossings</u></li> <li>• <u>4.7 Cycle lanes and paths</u></li> <li>• <u>4.8 Pedestrian and cycle bridges</u></li> <li>• <u>4.9 Underpass design</u></li> <li>• <u>4.10 Lighting</u></li> <li>• <u>4.11 Crime prevention</u></li> </ul> <p><u>Part 3 Highway components</u></p> <ul style="list-style-type: none"> <li>• <u>4.12 Road bridges</u></li> <li>• <u>4.13 Retaining walls</u></li> <li>• <u>4.14 Earthworks</u></li> <li>• <u>4.15 Noise barriers</u></li> <li>• <u>4.16 Highway furniture</u></li> <li>• <u>4.17 Stormwater management devices</u></li> <li>• <u>4.19 Roundabouts</u></li> <li>• <u>4.23 Public art</u></li> </ul> <p><u>ii. 'Landscape Guidelines' (NZTA, September 2014):</u></p> <p><u>Section 4 Part 3: Landscape Treatments</u></p> <ul style="list-style-type: none"> <li>• <u>4.12 Topsoil</u></li> <li>• <u>4.14 Planting and Vegetation Management</u></li> <li>• <u>4.16 Further Planting Considerations</u></li> <li>• <u>4.18 Material Source and Supply</u></li> </ul>

Designation Condition	Proposed amendment <i>Proposed additions are shown as <u>red underline</u> and deletions as red <del>strikethrough</del></i>																																													
	<p><u>Section 4 Part 5:</u></p> <ul style="list-style-type: none"><li><u>4.22 Defects Liability and Maintenance</u></li></ul> <p><del>b) c)</del> Design Review Audits, set out in Chapter 4 of the ‘<i>Cultural Environmental Design Framework</i>’ to confirm that the Project is consistent with the Design Principles, <u>and with the Urban Design and Landscape Guidelines referenced in (b) above</u>, must be undertaken:</p> <p>i. at least three (3) months prior to the outline plan being submitted to Council as set out in Condition DGA6; and</p> <p>ii. every three (3) months until the Project is open for public use.</p> <p><del>e) d)</del> Design Review Audits required by clause <del>b) (c)</del> may describe design elements of the Project with reference to, but not limited to, Chapter 4 of ‘<i>the Cultural and Environmental Design Framework</i>’, Consent Version, dated October 2022.</p> <p><del>d) e)</del> Design Review Audits must be completed in collaboration with the Project Iwi Partners.</p> <p><u>(f) The team undertaking a Design Review Audit must include a suitably qualified person (or persons) with formal qualifications and expertise in landscape and urban design.</u></p> <p><del>e) g)</del> In addition to the requirement to include a Design Review Audit as part of the outline plan set out in Condition DGA6, the subsequent Design Review Audits required by clause <del>b) (c)</del> must be provided to the District Council.</p>																																													
DNV1	<p><b>Construction noise limits</b></p> <p>a) Except as set out in Conditions DNV3 and DNV4, construction activities must be undertaken so that construction noise does not exceed the limits in Table DNV-1 at any PPFs or buildings that accommodate commercial activities that are occupied at the time of construction.</p> <p>b) Construction noise must be measured and assessed in accordance with NZS 6803:1999 ‘<i>Acoustics –Construction Noise</i>’.</p> <p style="text-align: center;"><b>Table DNV-1: Construction Noise Limits</b></p> <table><tr><th>Time of week</th><th>Time period</th><th>L<sub>Aeq(t)</sub></th><th colspan="2">L<sub>Afmax</sub></th></tr><tr><td colspan="5">Occupied PPFs</td></tr><tr><td rowspan="3">Weekdays</td><td>0630-0730</td><td>55 dB</td><td colspan="2">75 dB</td></tr><tr><td>0730-1800</td><td>70 dB</td><td colspan="2">85 dB</td></tr><tr><td>1800-2000</td><td>65 dB</td><td colspan="2">80 dB</td></tr><tr><td></td><td>2000-0630</td><td>45 dB</td><td colspan="2">75 dB</td></tr><tr><td rowspan="4">Saturdays</td><td>0630-0730</td><td>45 dB</td><td colspan="2">75 dB</td></tr><tr><td></td><td>0730-1800</td><td>70 dB</td><td>85 dB</td></tr><tr><td></td><td>1800-2000</td><td>45 dB</td><td>75 dB</td></tr><tr><td></td><td>2000-0630</td><td>45 dB</td><td>75 dB</td></tr></table>	Time of week	Time period	L <sub>Aeq(t)</sub>	L <sub>Afmax</sub>		Occupied PPFs					Weekdays	0630-0730	55 dB	75 dB		0730-1800	70 dB	85 dB		1800-2000	65 dB	80 dB			2000-0630	45 dB	75 dB		Saturdays	0630-0730	45 dB	75 dB			0730-1800	70 dB	85 dB		1800-2000	45 dB	75 dB		2000-0630	45 dB	75 dB
Time of week	Time period	L <sub>Aeq(t)</sub>	L <sub>Afmax</sub>																																											
Occupied PPFs																																														
Weekdays	0630-0730	55 dB	75 dB																																											
	0730-1800	70 dB	85 dB																																											
	1800-2000	65 dB	80 dB																																											
	2000-0630	45 dB	75 dB																																											
Saturdays	0630-0730	45 dB	75 dB																																											
		0730-1800	70 dB	85 dB																																										
		1800-2000	45 dB	75 dB																																										
		2000-0630	45 dB	75 dB																																										

Designation Condition	Proposed amendment Proposed additions are shown as <u>red underline</u> and deletions as red <del>strikethrough</del>				
	Sundays and public holidays	0630-0730	45 dB	75 dB	
			0730-1800	55 dB	85 dB
			1800-2000	45 dB	75 dB
			2000-0630	45 dB	75 dB
		Other <u>occupied</u> buildings that accommodate commercial activities			
	All days	0730-1800	70 dB	n/a	
			1800-0730	75 dB	n/a
DNV4	<b>Site specific construction noise and vibration mitigation</b> a) In addition to the measures described in the Construction Noise and Vibration Management Plan required by Condition DNV3, the requiring authority must identify and adopt site specific mitigation for the management of construction noise or construction vibration where:  i. construction noise is either predicted or measured to exceed the noise limits in Condition DNV1;  ii. construction vibration is either predicted or measured to exceed the Category A limits in Condition DNV2;  iii. construction activities are being undertaken within 100 metres of the boundary of of:  A. 96/98 Arapaepae Road;  B. 1024 Queen Street East;  C. 217 Kimberley Road/ 345 Arapaepae South Road.  b) The site specific mitigation required by clause (a) must be described in Site Specific Noise and Vibration Mitigation Plans prepared using the methodology set out in the Construction Noise and Vibration Management Plan required by Condition DNV3 <u>and DNV4(c). Preparation of the Site Specific Noise and Vibration Mitigation Plans must be overseen or audited by a suitably qualified person approved by the District Council. They <del>and</del></u> must include, but not be limited to:  i. the nature, location and duration of the construction activities that result in noise and vibration effects;  ii. the predicted noise level or vibration level for construction activities at the receiver;  iii. a description of consultation undertaken with the owners and/or occupiers, or their representatives, of the receiver to understand the use of the site and sensitivities, including times, activities and locations, including a description of the outcomes of that consultation and the requiring authority's response to those outcomes;  iv. the proposed mitigation, being the 'Best Practicable Option'; and				



Designation Condition	<b>Proposed amendment</b> Proposed additions are shown as <u>red underline</u> and deletions as red <del>strikethrough</del>
	<p>v. the timing, location and type of monitoring of noise or vibration effects on the receiver.</p> <p>c) <u>The Site Specific Noise and Vibration Mitigation Plans must be prepared having regard to:</u></p> <p>i. <u>the matters listed in Condition DNV3(b);</u></p> <p>ii. <u>the characteristics of the noise or vibration, including frequency (rate) of occurrence, intensity (noise and vibration level), duration, and likelihood that such noise and vibration may cause offense, annoyance, disturbance or damage;</u></p> <p>iii. <u>effects on public and worker health and safety of implementing the mitigation;</u></p> <p>iv. <u>the effectiveness of options for mitigation; and</u></p> <p>vi. <u>any construction programme implications of options for mitigation.</u></p> <p><del>e) d)</del> The Site Specific Noise and Vibration Mitigation Plans required by clause (b) must be provided to the District Council for comment at least five (5) working days before the commencement of construction activities that are addressed by the Site Specific Noise and Vibration Mitigation Plans.</p> <p><del>d) e)</del> If two (2) working days have passed since a Site Specific Noise and Vibration Mitigation Plan has been provided to the District Council and the District Council has not provided comment on the Site Specific Noise and Vibration Mitigation Plan, then the requiring authority may commence work in accordance with the Site Specific Noise and Vibration Mitigation Plan as provided.</p> <p><del>e) f)</del> Where the District Council provides comment on a Site Specific Noise and Vibration Mitigation Plan, the requiring authority must:</p> <p>i. amend the Site Specific Noise and Vibration Mitigation Plan in the manner requested by the District Council; or</p> <p>ii. provide the District Council with the rationale for not amending the Site Specific Noise and Vibration Mitigation Plan as requested.</p> <p><del>f) g)</del> If measured or predicted vibration from construction activities exceeds the Category B limits for other occupied buildings and unoccupied buildings, construction activities must only proceed if vibration effects on affected buildings are assessed, monitored and mitigated as set out in the Construction Noise and Vibration Management Plan required by Condition DNV3.</p>
DRN1	<p><b>Low-noise road surfaces</b></p> <p>a) Except where Condition DRN3 applies, the low-noise road surfaces in Table DRN-1 must be installed within eighteen (18) months <u>at the latest (and within twelve (12) months unless it is not reasonably practicable to do so)</u> from the date the Project is opened for public use, with installation commencing as soon as reasonably practicable.</p>

Designation Condition	<b>Proposed amendment</b> Proposed additions are shown as <u>red underline</u> and deletions as red <del>strikethrough</del>
DRN3	<p><b>Design of noise mitigation measures</b></p> <p>a) The design of noise mitigation measures, including the low-noise road surfaces and noise barriers required by Conditions DRN1 and DRN2 must be completed for the alignment of the Project described in an outline plan required by Condition DGA6.</p> <p>b) The design required by clause (a) may alter the location, length or type of noise mitigation, including low-noise road surface or noise barriers, required by Conditions DRN1 and DRN2:</p> <ul style="list-style-type: none"> <li>i. where the design change to the noise mitigation measures results in the same Category of noise criteria or a change of Category of noise criteria from Category B to Category A at any identified PPF listed in Schedule 9; or</li> <li>ii. where the design change to the noise mitigation measures, or the Project described in the outline plan required by Condition DGA6, results in a change of Category of noise criteria from Category A to Category B or C, or from Category B to Category C at any identified PPF listed in Schedule 9 and it is confirmed <u>(in the report referred to in (c) below)</u> that the design change is the Best Practicable Option.</li> </ul> <p>c) A report must be prepared that sets out noise mitigation measures and must include, but not be limited to:</p> <ul style="list-style-type: none"> <li>i. predicted noise levels at each identified PPF listed in Schedule 9 in 2039;</li> <li>ii. design drawings for noise barriers; <del>and</del></li> <li>iii. specifications for road surfaces; <u>and</u></li> <li>iv. <u>confirmation that the noise mitigation measures represent the Best Practicable Option in accordance with clause (b)</u></li> </ul> <p>d) The report required by clause (c) must be provided as part of the outline plan required by Condition DGA6.</p>
<b>New condition</b>  Taylors Road Southern Interchange	<p><u><b>Taylors Road Southern Interchange</b></u></p> <p><u>Notwithstanding condition DGA1 of this designation, Waka Kotahi may construct, operate and maintain a two-way local arterial connection in the vicinity of the southern half interchange at Taylors Road which provides an alternative connection between Taylors Road and the existing State Highway 1 in addition to the existing underpass under the Waitohu Stream bridge. The two-way local arterial connection shall be in general accordance with the layout shown in Figures 1 and 2 of the Environment Court evidence of David Dunlop on behalf of Kāpiti Coast District Council dated 26 September 2023 or may consist of a different layout to that shown in Figures 1 and 2 of that evidence provided that any such layout:</u></p>

Designation Condition	<b>Proposed amendment</b> Proposed additions are shown as <u>red underline</u> and deletions as red <del>strikethrough</del>
	<p>a) <u>meets the safety requirements of the road controlling authorities in the exercise of their statutory functions and has been subject to an independent safety audit; and</u></p> <p>b) <u>must be passable in flood events greater than 5% AEP.</u></p>
<b>New condition</b>  Local road pre and post condition survey	<p><b><u>Local Roads Pre and Post Construction survey</u></b></p> <p>a) <u>Prior to the commencement of the work, the Requiring Authority shall undertake a pre-construction condition survey of the carriageway/s along those local roads affected by the Project for which KCDC and HDC is the road controlling authority and submit it to the KCDC and HDC Manager and the Road Asset Manager. The condition survey shall consist of a photographic or video record of the carriageway, and shall include roughness, rutting defects and surface condition.</u></p> <p>b) <u>As soon as practicable following completion of construction of the Project the Requiring Authority shall, at its expense, conduct a postconstruction condition survey of the road network affected by the Project. The post-construction condition survey shall be submitted to the KCDC and HDC Manager and the Road Asset Manager.</u></p> <p>c) <u>The results of the pre- and post-construction surveys will be compared and, where necessary, the Requiring Authority shall at its expense arrange for repair of any damage to the carriageways and footpaths (and associated road components), for which KCDC and HDC are the road controlling authorities, where that damage has resulted from the impacts of construction of the works.</u></p> <p>d) <u>The Requiring Authority shall carry out regular inspections of the transport network affected by the works to ensure that all potholes and other damage resulting from construction of the works are identified as soon as practicable.</u></p> <p>e) <u>The Requiring Authority shall contribute fair and reasonable costs towards repair and maintenance of potholes and other damage resulting from the works.</u></p> <p>f) <u>Prior to construction commencing the Requiring Authority shall agree with the HDC and KCDC Road Asset Manager the nature, extent and frequency of the inspections referred to in d).</u></p>
<b>New condition</b>  Network Integration Plan (NIP)	<p><b><u>Network Integration Plan</u></b></p> <p>a) <u>The Requiring Authority shall prepare, in collaboration with KCDC, HDC, GWRC and Horizons, a NIP for the Project, or relevant Project Stages, to demonstrate how the Project integrates with the existing local road network and with future improvements planned by KCDC, HDC, GWRC and Horizons.</u></p>

Designation Condition	<b>Proposed amendment</b> Proposed additions are shown as <u>red underline</u> and deletions as red <del>strikethrough</del>
	<p>b) <u>The NIP shall include details of the Works at the interface between the Project and the local road and public transport network and shall address such matters as lane configuration and operational strategies, signage and provision for bus stops.</u></p> <p>c) <u>The objectives of the NIP shall include preserving or enhancing the level of service of local roads at junctions with the Project (noting that actual levels of service in the future will depend on future land uses).</u></p> <p>d) <u>The Requiring Authority shall submit the NIP for certification to HDC, KCDC, GWRC and Horizons at least 20 Working Days prior to commencement of construction of the Project.</u></p> <p>e) <u>Works identified in the NIP which are the responsibility of the Requiring Authority, including any work associated with the relocation of bus stops, will be undertaken at the time the Project is constructed.</u></p>
<b>New condition</b>  Flood Level Increase and Flood Hazard	<p><b><u>Flood Level Increase and Flood Hazard</u></b></p> <p>(a) <u>The Project must be designed to achieve the following flooding outcomes outside the designation footprint (except where noted below) and main waterway boundaries:</u></p> <p>(i) <u>No increase of more than 0.01m in flood level for existing floors that are already subject to flooding and no existing floors to be newly flooded by the post-Project floodplain.</u></p> <p>(ii) <u>No increase of more than 0.05m in flood level on land zoned urban.</u></p> <p>(iii) <u>No increase of more than 0.10m in flood level on land zoned non-urban.</u></p> <p>(iv) <u>No more than a 10% increase in flood hazard (defined as the product of flow depth and velocity) at all Council road locations (within and outside the designation boundary) where existing depth is greater than 0.3 m or existing velocity is greater than 2.0 m/s or the product of existing velocity and depth is greater than 0.5 m<sup>2</sup>/s.</u></p> <p>(b) <u>Compliance with clauses (a)(i) to (iv) must be demonstrated prior to the commencement of construction activities through existing (pre-Project) and Project detailed design flood modelling of the critical 1% AEP design storm event incorporating a climate change scenario in accordance with the Waka Kotahi NZ Transport Agency's Bridge Manual current at the time of the detailed design.</u></p> <p>(c) <u>A copy of a report confirming compliance with (b), prepared by a suitably qualified person must be provided to the District Council, and must be included in the material submitted to the District Council as part of any outline plan. Where more than one outline plan is prepared and submitted to the District Council, there shall be no requirement to provide repeat reports that address the same Project elements.</u></p>

Designation Condition	Proposed amendment <i>Proposed additions are shown as <u>red underline</u> and deletions as red <del>strikethrough</del></i>
	(d) <u>An independent peer review and certification of the flood modelling is required. This must be undertaken by a suitably qualified person who is different to the suitably qualified person preparing the report in (c) and independent to the detailed design, who must be required to certify whether there is compliance with clauses (a)(i) to (iv), in the manner described in clause (b). The independent peer review and the certification must be included in the material submitted to the District Council as part of any outline plan.</u>

Regional Consent Condition	Proposed amendment <i>Proposed additions are shown as <u>red underline</u> and deletions as red <del>strikethrough</del></i>												
RGA6	<p><b>Suitably qualified person</b></p> <p>a) The following documents or measures that are required to be prepared or undertaken by the conditions of these resource consents must be prepared or undertaken by a suitably qualified person or persons:</p> <ul style="list-style-type: none"> <li>i. an incident report required by Condition RCM3;</li> <li>ii. the pre-construction, <u>monthly and repeat</u> surveys; <u>establishment of exclusion zones; placement of nest deterrents; and salvage, capture and relocation of lizards and indigenous invertebrates</u> required by Conditions RTE2, RTE3, <u>RTE4</u>, RTE5, RTE6, and RTE8;</li> <li>iii. a Ecology Management Plan required by Condition REM1;</li> <li>iv. advice on the course of action required by Condition REM5 where 'At Risk' or 'Threatened' flora or fauna are discovered;</li> <li>v. a Ecology Offset Site Layout Plans required by Condition REM14;</li> </ul>												
RTE7	<p><b>Indigenous buffer planting</b></p> <p>a) Subject to landowner agreement where the planting is on private property, indigenous buffer planting shown on the Planting Concept Plans: Indicative Typology and the Planting Concept Plans: RMA Purpose Type listed in Schedule 1 must be provided where the Project is adjacent to the habitats listed in Table RTE-7:</p> <p style="text-align: center;"><b>Table RTE-7: Indigenous Buffer Planting</b></p> <table border="1"> <thead> <tr> <th>Adjacent Habitat</th><th>Habitat type reference*</th></tr> </thead> <tbody> <tr> <td>Tawa forest (one remnant)</td><td>ITF1</td></tr> <tr> <td>Tawa-kohekohe forest (two remnants)</td><td>ITF2</td></tr> <tr> <td>Puka-kōhūhū forest/planted indigenous forest (one remnant)</td><td>ITF5</td></tr> <tr> <td>Tawa-tītoki treeland (one remnant)</td><td>ITT07</td></tr> <tr> <td>Arapaepae Bush</td><td>ITF7, MTF3, MTF7 and MTF8</td></tr> </tbody> </table>	Adjacent Habitat	Habitat type reference*	Tawa forest (one remnant)	ITF1	Tawa-kohekohe forest (two remnants)	ITF2	Puka-kōhūhū forest/planted indigenous forest (one remnant)	ITF5	Tawa-tītoki treeland (one remnant)	ITT07	Arapaepae Bush	ITF7, MTF3, MTF7 and MTF8
Adjacent Habitat	Habitat type reference*												
Tawa forest (one remnant)	ITF1												
Tawa-kohekohe forest (two remnants)	ITF2												
Puka-kōhūhū forest/planted indigenous forest (one remnant)	ITF5												
Tawa-tītoki treeland (one remnant)	ITT07												
Arapaepae Bush	ITF7, MTF3, MTF7 and MTF8												

	<p>* The habitat types are identified and mapped on the Ecology Plans included listed in Schedule 1.</p> <p>b) The indigenous buffer planting required by clause (a) must:</p> <ul style="list-style-type: none"> <li>i. be between the Project and the adjacent habitat;</li> <li>ii. be undertaken prior to the commencement of construction activities where it is practicable to do so or, <u>at the latest, before the end of the last planting season during the construction period before the end of the first planting season following the Project being open to the public.</u></li> <li>iii. be a minimum width of ten (10) metres, except in locations where ten (10) metres width is not available within the site because of existing tracks, existing roads or the area of construction;</li> <li>iv. consist of species that reach a height similar to the adjacent indigenous vegetation; and</li> <li>v. consist of indigenous plant material sourced from the rohe in which it is to be planted or be otherwise sourced from the ecological district of the site.</li> </ul> <p>c) Consideration must be given to fencing the indigenous buffer planting required by clause (a) in order to exclude livestock.</p>
--	--